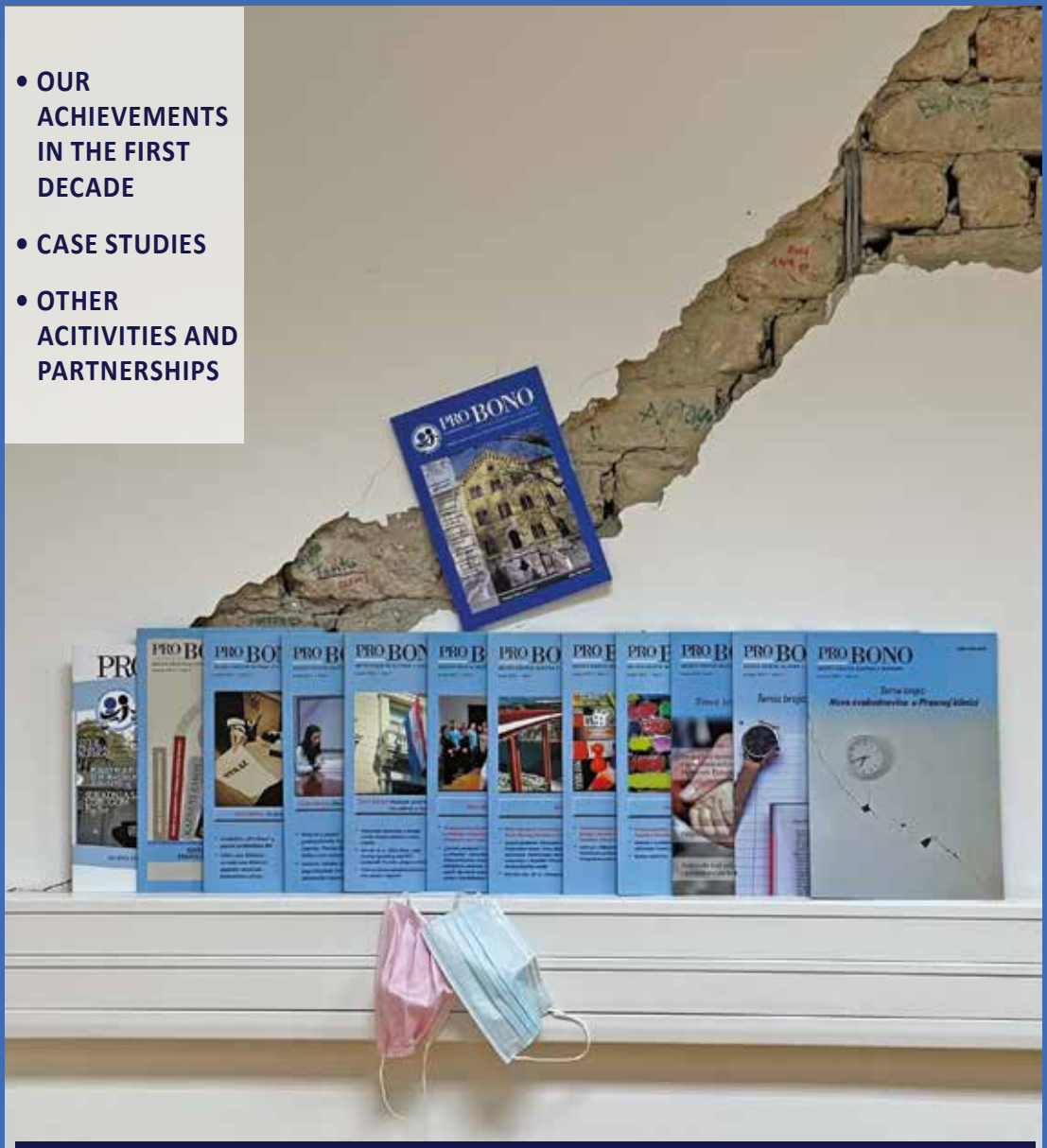
PRO BONO

INTERNATIONAL EDITION

Official Newsletter of the Law Clinic of the University of Zagreb Faculty of Law

- OUR ACHIEVEMENTS IN THE FIRST DECADE
- CASE STUDIES
- OTHER ACITIVITIES AND PARTNERSHIPS



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LETTER FROM THE EDITORS

Dear devoted readers, it is indeed our greatest pleasure to present to you a second international edition of the official newsletter of the Law Clinic Zagreb. The first edition, published in 2015, celebrated the Law Clinic's fifth anniversary. Its main idea was to present the Law Clinic and its official newsletter to the international public. Five years later, our Law Clinic not only transformed into one of the biggest and recognised legal aid providers in Croatia, but also a role model for other clinical legal education programmes in the region. The goal of the second edition is to show the world a glimpse of that transformation in the first decade of its existence and to proudly show what has been achieved so far.

The concept of this edition is thus adapted to that goal. After explaining the phases of our Law Clinic's development, the quantitative indicators are shown to explain the number and type of cases received throughout the years, followed by the statistics of our most important project - mobile clinics. The results of a recently conducted research show how our clinical legal education influences the employability of law graduates.

The second part of this edition tells the story of our special programme for Erasmus exchange students and presents the summarized comparative analysis as a result of discussions with foreign colleagues. Each of the groups presented the cases they had come across and explained how they were solved. After that, each of the exchange students had to comment on how the same case would be solved within their home country. This was a valuable learning experience both for us and exchange students. It also gives us opportunity to show the world some of our clients' stories.

Finally, in the last part of this edition our other activities and partnerships are presented to show the versatility of our clinical legal education program. Special attention is given to the post-earthquake reconstruction that became an extremely important issue in the last two years. It is a sensitive topic for our Law Clinic as well, since its premises were damaged during those catastrophic events, as pictured in the cover of this international issue. Further on, student competition and our involvement in international projects shows how our Law Clinic always tries to find new ways to look beyond. At the very end, we present partner law clinics in Croatia which mostly used our Law Clinic as a role model, and which now represent important social factors in their respective regions.

This is the second time the editor-in-chief of our newsletter is not a student. Being once a student clinician, a student mentor, a student administrator and later one the academic mentors and assistant leaders of the Law Clinic, I was entrusted with this temporary task to assist the students currently involved in clinical activities in representing our work in the former decade. This nonetheless stayed the joint effort of our students who authored almost all the texts and proposed the topics to be published within this edition. I owe special thanks to Đorđija, Mare, Marija and Josip whose persistence and hard work enabled us to finish this challenging task in time.

As editors, we sure hope you will all enjoy reading the stories we prepared for you!

Juraj Brozović, PhD
editor-in-chief

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Our Achievements

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ZAGREB LAW CLINIC: 10 YEARS OF TRANSFORMATIONS

JURAJ BROZOVIĆ, PhD

In ten years of its existence, the Law Clinic Zagreb has passed through three stages of its development. During that process, it transformed not only itself, but everyone involved: The Faculty, its students and teachers, the profession, and the society. In this paper, we discuss how all these subjects were affected in each of these stages, as a useful example for similar projects in the future.

FORMATION STAGE

In the beginning, key issues were choosing the appropriate clinical model and securing enough financial and organisational support.

CHOOSING THE MODEL

After carefully considering the best practices abroad, the Zagreb Law Clinic opted for a Norwegian student-run legal aid clinic (JussBuss), although this model had to be adapted to the Croatian legal background. At that point, it was unimaginable that legal aid could be provided by students. It was not until the first Legal Aid Act was passed in 2008 that the legal aid clinics were recognised as legitimate legal aid providers. But even after that, there were some doubts, especially among lawyers and the Bar, if students could be capable of performing such important tasks. It thus seemed that a legal aid clinic run completely by students was too exotic a concept which could not easily be transposed into the Croatian legal system.

The result was a clinical model that combines the self-governance of the Norwegian model and common hierarchical structure typical for law offices in Croatia. Students are the ones who take in the clients, conduct client interviews, do the research, and advise the clients. If the issue is a matter of simple legal information that can be checked almost instantly on the internet or in the literature, the supervision is rather simple. Such

Source: Klinika.pravo.hr

information is supervised by student mentors, namely student clinicians that were chosen among themselves to be the leader, and who volunteered at least one semester before taking on that duty. If there is need for a broader analysis because the case is legally or factually complicated, the advice cannot be given orally. In that case, the written legal opinion is drafted by the student, confirmed by other group members in a student meeting, and then reviewed first formally by the student mentor and later by one of the academic or external mentors (practitioners). This method of supervision gave comfort to everyone (students, Faculty, clients, profession) that the legal aid clinic is a safe concept which enables quality learning while assisting those in need.

Simultaneously, student autonomy (typical for the Norwegian model) was preserved on many levels, even on an organisational one. Although Law Clinic Zagreb initially had three groups, depending on the legal field in question (criminal, civil and administrative), it was the student initiative that transformed and split them into seven groups, depending on the specific vulnerable group of citizens (in particular: time workers; victims of discrimination; crime victims and witnesses; overindebted citizens; asylum seekers and refugees; medical patients; children and family members). Students are responsible for choosing their own colleagues, by autonomously conducting interviews, under the guidelines that had previously been agreed upon. Students choose their own leaders – student mentors and their number. They choose the methods of their work (e.g. whether each student sends the opinion directly to the academic mentor or via student mentor; or whether student meetings will be held online or in-person etc.). They participate in the Small Council, a clinical body responsible for rendering the most important decisions. Finally, they were the ones who suggested in 2011 and have edited ever since our official journal Pro bono.


Source: Klinika.pravo.hr

FINANCIAL AND ORGANISATIONAL SUPPORT

Establishing a legal aid clinic generally does not require considerable funds. The clinic requires an office, some office supplies (computers, printers, telephone etc.) and time. What does require funding in the formation phase is the exchange of know-how. It was clear from the very establishment of the new legal aid system that the Zagreb Law Clinic could not count on the funds of the Ministry of Justice within public legal aid


Source: Klinika.pravo.hr

schemes. The procedure for obtaining legal aid, including simple legal information or advice, was lengthy, costly and complex. In the end, if our client survived the bureaucratic procedures, the amount granted for the provided advice amounted to ca. 30 EUR. This type of financing was not only insufficient, but largely impractical and discouraging both to providers and clients.

This was the reason why our Law Clinic engaged in various international exchange projects, with the British Embassy (in 2011) and the Royal Norwegian Embassy (2012). Those projects allowed our newly established law clinic to get in contact with various legal aid clinics and law centres abroad, but also to organise round tables and international exchange seminars.

The results of the project could be seen almost instantly. The number of students engaged rose (from 15 in year 1 to more than 60 in year 2), along with the number of our clients (from 1 in the first semester to more than one hundred in the second semester). Additionally, more than 15 partnership agreements were signed with NGOs which, on the one hand, facilitated students' activism, and on the other hand, enabled Law Clinic Zagreb to get a greater number of clients. Many NGOs, namely, assisted certain vulnerable citizens, but they did not (or could not) assist them with their legal matters. This was a natural symbiosis to everyone's benefit.

All of this, of course, could not be achieved without the institutional support of the Faculty. From the very start, the Law Clinic was integrated in our legal studies, on the final, fifth year, as one of the practical courses that students must choose in order to obtain 10 ECTS points (out of 60 in that year). But it was clear very early on that the needs of the society require engaging a greater number of students. This is why the Faculty allowed us to invite third- and fourth-year students, which could use the ECTS points in the future. This turned out to be a useful learning tool, as the students could learn not only to apply the existing knowledge they have, but also to gain it while solving cases. This naturally required significant efforts of the Faculty employees – mainly research assistants, who assisted students in focusing their research and later supervised their written legal opinions. They also assisted in contacting various NGOs that enabled the further spread of clinical activities. The Faculty also contributed financially. It gave the Law Clinic their first headquarters in the strict centre of Zagreb, five minutes from the Main Square and agreed to finance two student administrators, students that dealt with administrative tasks on an every-day basis.

DEVELOPMENT PHASE

In year two, the number of cases increased to more than 700 cases, so it was clear the project was a success. On one hand, there was still space to expand the activities where needed. On the other hand, the number of cases already received required serious monitoring and case administration.

PARTNERSHIP AGREEMENTS

After the new Legal Aid Act was passed in 2013, as a result of our joint efforts with international experts and legal aid practitioners, we hoped that finally project financing may change the situation for the better. Unfortunately, the bureaucratic approach remained, but now it affects the providers, instead of the clients. The funds granted to each provider are on the downfall and total funds that can be granted are not sufficient for most of the activities of legal aid providers (certainly not for the salaries, being currently capped at ca 11.000 EUR per year). There are significant lags in their granting, with funds being paid in September for activities that started in January. The practice of new Legal Aid Act again showed us that the Ministry of Justice is not a trustworthy partner in legal aid activities

This was the reason to turn our focus to the local municipality – the City of Zagreb. It turned out to be a more reliable partner. It gave us new premises, which are more adapted to older citizens, and they donate a part of the funds needed for the regular functioning of the clinic. Unfortunately, not all clinics and legal aid providers enjoy the same support.

The Law Clinic also participated in various project with partner NGOs. Some of the activities entailed street law activities (lectures to homeless citizens in local libraries, medical practitioners in psychiatric hospitals, training assistants for children with diabetes etc.), some even legislative proposals (law on indemnification of war rape vic-

tims). NGOs were a crucial pathway to our public recognition.

OUTREACH PROJECTS

Probably the biggest boom in the number of our cases was the result of a project financed by ECAS in 2013. The Law Clinic has managed to achieve collaboration with 15 municipalities and to organise visits to most of them in each of the clinical rounds.

This became a model for our mobile clinics that still take place every month. In a total of 7 rounds per year, students go to rural parts of Croatia or parts of Croatia where there are no law clinics or NGOs, providing legal aid. This enables us to reach out to where our assistance is needed the most. The cooperation is done not only by municipalities but with local NGOs as well. In our join effort and by using local media, we take in more than ¼ of our clients within our mobile clinic project.

The most interesting feature of our mobile clinics is that we get the largest number of cases in the Rijeka region. We keep persuading our colleagues at the Faculty of Law in Rijeka to open their own live client clinic, and they have finally done so in 2021. This clearly shows how NGOs are not capable of providing free legal aid and that clinics are needed not only as a useful learning tool, but as an important social factor in achieving justice.

CASE ADMINISTRATION

Over the years, as the number of cases per year increased considerably (at some point, more than 2500 per year), the number of student administrators doubled as well. One of them does less work in the premises but organises and coordinates mobile clinics.

The type of their work also changed over the years. One of the important administrative tasks is to monitor the case progress. During the first years, this was done mechanically, but starting in 2012, a case management system ("Klinikarij") was developed by using Drupal CMS. It has been administered mostly by students ever since. It contains data about each client, their case, legal

Source: Klinika.pravo.hr

aid that has been provided, as well as who did it and when. This enables a very precise tracking of progress of each case, and it can flag issues efficiently as they arise. Detailed statistics are monitored by the Small Council in its regular meetings.

The number of groups also doubled. The number of focus groups stayed the same, but each group now has two subgroups with its own mentors. This allows for better distribution of work among students and lets them focus on different activities in each week. In the week that they do not spend at the Law Clinic, they can focus on research, solving cases or other projects (cooperation with NGOs or writing for our official journal Pro bono).

SUSTAINABILITY PHASE: THE CHALLENGES

The great work of our Law Clinic has been recognised by students, clients, and the civil society.

Reaching out to students

Students realised that, by involving themselves in the work of Law Clinic, they get a unique chance to practice law even before they graduate. This is why almost 900 of them got involved in a ten-year period. Many practitioners ask us to recommend to them the best clinicians, which also shows that the clinical programme increases their employability. The interest is thus quite understandable. Each semester, when interviews are conducted in the process of enrolling new students, the number of students that compete is at least double (sometimes triple) the number of students that can be enrolled. This shows that the Law Clinic is a desired learning method among students.

However, this is a blessing and a curse. Many students do not get in and they are dissatisfied, especially if they have good grades. We insist that their motives and willingness to help and volunteer for more than one semester should prevail over their academic success. After all, the experience has shown us that students with the best grades are not necessarily the best clinicians. Quite the contrary.

In the future, this will be a challenge both for our Faculty curriculum (obviously not honouring the best students or doing it by using potentially inappropriate criteria) and our organisation. In this regard, it is questionable whether the number of cases per year justifies the inclusion of a greater number of students. Also, experience shows that

Source: Klinika.pravo.hr

the groups with the smallest number of students are usually the most efficient. A greater number of students requires a greater number of supervisors and this is challenging in itself.

The challenge is even bigger since student clinicians participate in the Brown-Mosten Client Consultation Competition, which gives them extra credits, and allows them to show what they have learned in their clinical work in a more competitive environment. In our first year we managed to get to the semi-finals, which speaks for itself.

REACHING OUT TO CLIENTS

Over the years, the number of cases the Law Clinic Zagreb receives stabilized at 1800 – 2000 cases per year, making us the second-biggest primary legal aid provider in Croatia. Recent statistics showed that at least 1/3 of clients asked for advice from Law Clinic Zagreb more than once, which shows their satisfaction with our work. We track their background (average income per household member, affiliation to a particular group of vulnerable citizens etc., sex, age), so we can predict where the need is the most significant.

We predict that the greatest challenge in reaching out to the clients in the future will be, as it already is, to assess realistically and reliably their satisfaction with our services. So far, apart from qualitative data, there has been no serious research which could assess, with adequate precision, to which extent our advice was useful to our clients or how they acted upon it.

The slight decrease in the number of our clients in last three years (ca 200 clients per year) still does not worry us because that might reflect the decreased number of cases in courts. Still, any decrease should not be underestimated, so we will have to refocus on our PR activities.

REACHING OUT TO CIVIL SOCIETY

Over the years, the Law Clinic has engaged in policy work, partly by initiating debate and participating in discussions about legislative projects relevant for its work and users, partly by engaging in various roundtables and discussions on topics relevant for the legal aid system. The contributions of Law Clinic Zagreb were recognised in 2017 by the Centre for Democracy and Law Miko Tripalo, which honoured us with an award for its contribution to the development of democracy and freedom of the press.

The partnership with NGOs remains an important tool to transform society. With some of them, we joined our efforts to warn about the inefficiencies of the legal aid system (open letters to ministers, joint meetings, recommendations), occasionally resulting in legislative changes and reforms, and sometimes in equally important crucial change of practices.

In terms of challenges, we again must cope with great numbers. Having more than 50 partnership agreements signed, we noticed that not all of them are as active as they used to be. This may be the result of our activities and focus as well, but it is clear that nowadays the Law Clinic is a brand and a desired partner in projects. It will be our task to reassess the needs and limit our partnership to those which can bring greatest benefit to our clients as well as students.

LESSONS FOR SIMILAR PROJECTS

Everything is a matter of choice. Small-scale projects do not require much funding and they can be done simultaneously with other teaching activities. But as the scope or number of activities expands, much relies on institutional support and good will of students – young, passionate lawyers-in-the making. It is necessary to secure the exchange of know-how, because this is how we learn from each other, and this is how we help each other to get better each day. Each clinical programme should be adapted to its legal background and fit as perfectly as possible in in the faculty curriculum.

Source: Pexels.com

STATISTICAL REVIEW OF THE WORK OF THE LAW CLINIC ZAGREB FROM 2010 TO 2021

MARTA ĆURIĆ & DOMAGOJ ZIDAREVIĆ

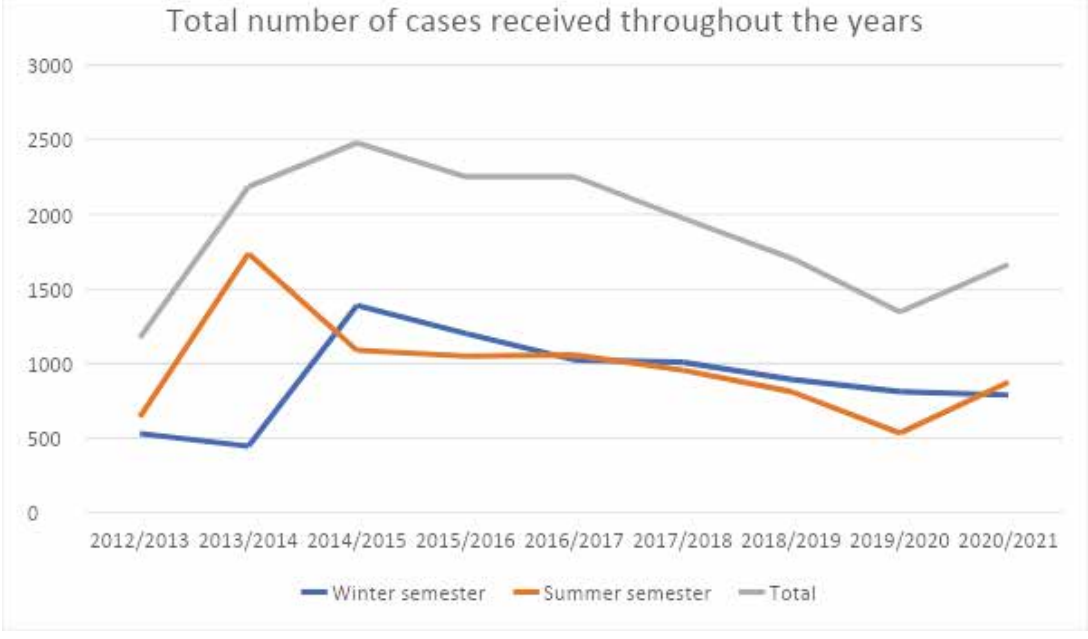
The total number of cases the Law Clinic Zagreb receives increases each year. What started as just a few dozen cases, soon became a few hundred, and even a few thousand per semester. The following table demonstrates how the Law Clinic grew throughout the years. Even during some of the toughest times, during the pandemic and after the two extremely strong earthquakes that hit Croatia, the Law Clinic did not stop with its work. In fact, the volunteers kept working even harder to provide legal assistance to those in need.

Table 1 – Total number of cases received throughout the years

	2012/ 2013	**2013/ 2014**	**2014/ 2015**	**2015/ 2016**	**2016/ 2017**	**2017/ 2018**	**2018/ 2019**	**2019/ 2020**	**2020/ 2021**
WINTER SEMESTER	531	447	1391	1203	1025	1009	894	812	789
SUMMER SEMESTER	643	1738	1089	1050	1058	965	812	534	876
TOTAL	***1174***	***2185***	***2480***	***2253***	***2083***	***1974***	***1706***	***1346***	***1665***

Source: Klinikarij

Chart 1 – Total number of cases received throughout the years



Source: Klinikarij

Considering the circumstances, it is visible that the monthly case flow dropped below the standard number by almost 200 cases per month after the pandemic caused the whole country to stop in March 2020. One of the main reasons why the Law Clinic received so many cases in February of 2021 was the fact that many people had to deal with the damage caused by the horrible earthquake that hit the Banovina region at the very end of 2020. Many people needed legal assistance with indemnity questions and the reparation of the damage that caused them to lose their homes.

It is usual for civil cases to be at the top of the list of cases received and for criminal cases to be at the bottom. The most common civil cases include inheritance and real law issues, as well as distraint. Criminal cases, on the other hand, include questions about the criminal proceeding and specific crimes, such as those against honour and reputation. However, the number of the administrative cases noticeably grew due to the already mentioned earthquakes. People had to file petitions for the renovation of their homes, the removal of buildings severely damaged and for temporary accommodation. Other than that, there are more common administrative cases such as those regarding pension and health insurance.

Table 2 – Monthly case flow throughout the years

	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
October	256	242	235	211	202	196	173
November	327	278	223	264	187	174	138
December	201	232	200	181	163	134	127
January	242	237	185	213	209	184	184
February	233	227	196	164	124	121	224
March	363	323	310	252	197	133	240
April	370	247	219	214	164	46	191
May	299	301	232	219	187	64	166
June	133	96	122	75	114	106	112
July				30	51	63	72
August				18	15	30	37
September	41	69	160	132	102	88	58

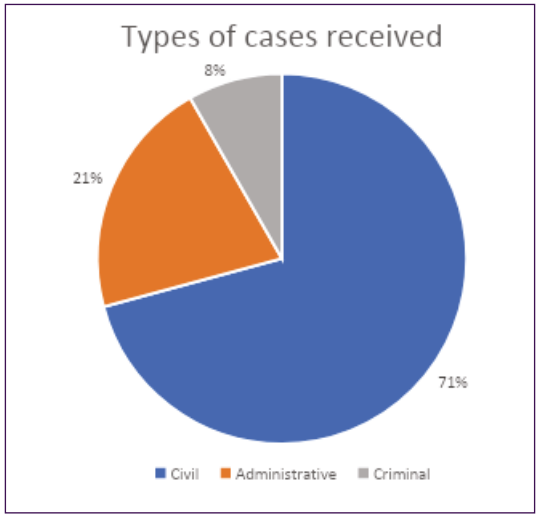
Source: Klinikarij

Table 3 – Types of cases received throughout the years

	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
Civil	58	393	714	1694	1850	1578	1545	1345	1123	992	1124	***12416***
Administrative	27	95	166	420	494	420	433	477	441	260	431	***3664***
Criminal	52	54	25	135	130	132	106	152	142	94	131	***1453***
Total number of cases received												***17533***

Source: Klinikarij

Chart 2 – Types of cases received



Source: Klinikarij

Some of the issues volunteers deal with tend to be less complex, whereas others tend to be much more complicated. Depending on the complexity, the Law Clinic offers legal assistance in the form of general legal information, if the questions raised are simple, and legal opinions, if the topic is rather complicated. Up until the 2015, the Clinic offered legal assistance in the form of legal advice and wrote all sorts of submissions. However, since 2015, legal assistance is provided in the form of general legal information and legal opinion only.

Considering all the information above, it is obvious that the Law Clinic Zagreb keeps evolving and growing. In fact, there were more than 17 000 cases solved by more than 900 student volunteers. Many students have been a part of the Law Clinic throughout the years and helped those in need, as well as grew as people and professionals. The fact that many people keep coming back to seek legal help is also a strong indicator that the Law Clinic has become an important part of our society.

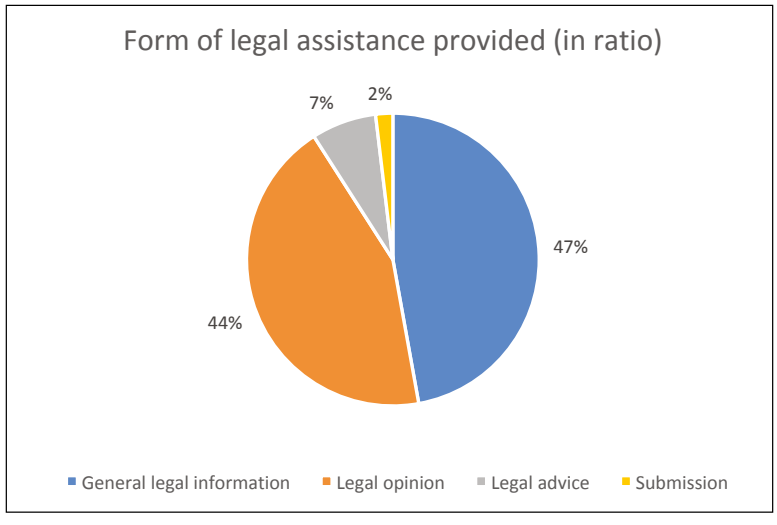
Table 4 – Form of legal assistance provided

	2012./ 2013.	2013./ 2014.	2014./ 2015.	2015./ 2016.	2016./ 2017.	2017./ 2018.	2018./ 2019.	2019./ 2020.	2020./ 2021.	Total
General legal information	272	1031	1500	1139	936	990	663	391	639	***7561***
Legal opinion	459	259	457	942	894	984	1043	958	1020	***7016***
Legal advice*	69	946	135	/	/	/	/	/	/	***1150***
Submission*	33	184	19	41	20	7	/	/	/	***304***

[*Since the summer semester of 2015, the Law Clinic in Zagreb provides Legal opinions and General legal information only.]

Source: Klinikarij

Chart 3 – Form of legal assistance provided (in ratio)



TEN YEARS OF OUTREACH PROJECTS

MATEA KATINIĆ

The Law Clinic is a unit of the Faculty of Law, University of Zagreb, founded in 2010, and the outreach projects (external clinics) began in September 2012. The main purpose of the project was to expand the activities to the whole country so that everyone, especially socially vulnerable groups, could have equal access to free legal aid. External clinics as a form of practical training were modelled on the experience of the Oslo Law Clinic "Juss Buss". The project of external clinics has been organised in cooperation with civil society organisations and local self-government units, which have provided clinicians with on-call facilities. As in the resident clinic, students at external clinics receive courses and, upon their return, investigate the facts by applying the relevant legal norms. When addressing their issues, clinical students give citizens legal opinions for more complex cases and general legal information for less complex cases. Good long-term cooperation with civil society organisations and local municipalities, as well as the good response of citizens, stems from good communication of the Law Clinic with partners and the media, who are informed before students arrive in each city.

Over the years, the project of external clinics has transformed, looking for the best ways to better provide legal assistance to citizens across the country, not only in the resident clinic in Zagreb. This is why the number of cities and rounds of external clinics has changed over the years. Recently, the best way to hold external clinics has been through holding seven rounds of external clinics in one year, and we are trying to increase the number of towns so that the original purpose

Source: Klinika.pravo.hr

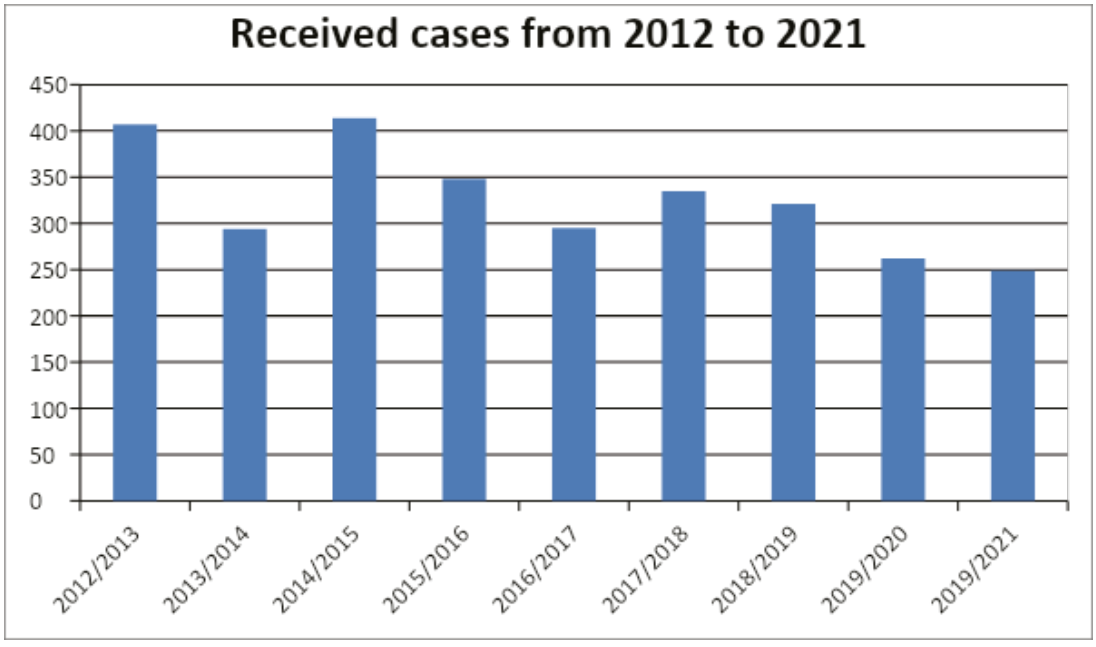

Source: Klinika.pravo.hr

of external clinics is met. In the academic year 2021/2022 the project of external clinics has expanded to two new cities for a total of 16 towns.

Since its inception, the project has undergone numerous changes. In the beginning, there were ten rounds in twenty towns, and in the first year of cooperation, 189 cases were received and general legal information was provided 218 times. In the academic year 2013/2014 the project of external clinics continued and through eight rounds, 15 cities were visited and a total of 294 cases were received. The project was recognised and continued in the academic year 2014/2015 when in the total of eight rounds and 14 towns visited total of 414 cases were received. Around 300 students participated in the project. The successful series continued the following academic year, where 348 cases were received through eight rounds in 15 towns with the same number of students involved. In the academic year 2016/2017 the number of rounds was reduced from eight to seven, and clinical students visited 14 towns. This number would be maintained until the academic year 2021/2022 in which there was an increase in the number of towns visited. Thus, in the academic year 2016/2017 a total of 295 cases were received, in the academic year 2017/2018 a total of 335 cases, in the academic year 2018/2019 a total of 321 cases, in the academic year 2019/2020 262 cases, and finally, in the academic year 2020/2021 a total of 249 cases have been received so far. (See graph I.)

From the beginning of the outreach projects until today, a total of over 2,800 cases have been received, and more than 1,600 students have participated in the project.

In conclusion, the outreach projects are still successfully maintained after many years, and even in the Covid-19 pandemic, the project was successfully continued through a series of adjustments, both by the Law Clinic and the partners we work with. Some of the rounds of external clinics were successfully held online because students could not go to the premises of some associations for fear of endangering their health, but access to free legal aid for citizens remained available. In the future, the Law Clinic will continue to maintain the outreach projects, trying to achieve even better results in the coming years.



Source: Klinikarij

THE IMPACT OF OUR CLINICAL PRACTICE ON EMPLOYMENT AFTER GRADUATION

EMA BASIOLI

The Law Clinic Zagreb has become one of the largest providers of primary legal aid in the Republic of Croatia. The Law Clinic is also the most significant form of practical exercises at the Faculty of Law in Zagreb. By March 2020, 879 students volunteered at the Law Clinic of the Faculty of Law in Zagreb, of which at least 552 completed their legal studies by 15 June 2020. Since its establishment, the Law Clinic has kept statistics on the number and types of cases with the aim of monitoring the work of the clinic and the needs of citizens and in ten years. By the time this research was conducted, students had solved over fifteen thousand cases by providing general legal information and writing legal opinions. Furthermore, statistical analysis shows that 32.4% of the clients turned to the Law Clinic at least twice, i.e., that as many as a third of the parties were satisfied with the help and turned to it again. However, since there were no recorded empirical results on the impact of the clinical practice at the Faculty of Law in Zagreb on employment after graduation, the head of the Law Clinic, Prof. Dr. Alan Uzelac, assistant Juraj Brozović and myself conducted a survey on a representative sample of clinical alumni, current masters of law.

RESULTS OF THE QUANTITATIVE EMPIRICAL RESEARCH

Respondents were persons of both sexes who successfully obtained a master's degree in law and volunteered during their studies for at least one semester at the Law Clinic. A survey questionnaire with 20 questions was sent by e-mail to 500 addresses, and it was completed by a total of 238 respondents (sufficient for targeted representativeness).

The first 8 questions referred to the general characteristics of the respondents such as gender, age, length of service, number of previous jobs, current job, number of semesters spent in the Law Clinic, year of study in which the respondent joined the Clinic and what function they had in it. The largest share of respondents were women (71%), respondents mostly spent two semesters in the Law clinic (42.02%), and most of them joined the work of the Law Clinic in the 4th year of study (47.48%).

Chart 1 – work experience

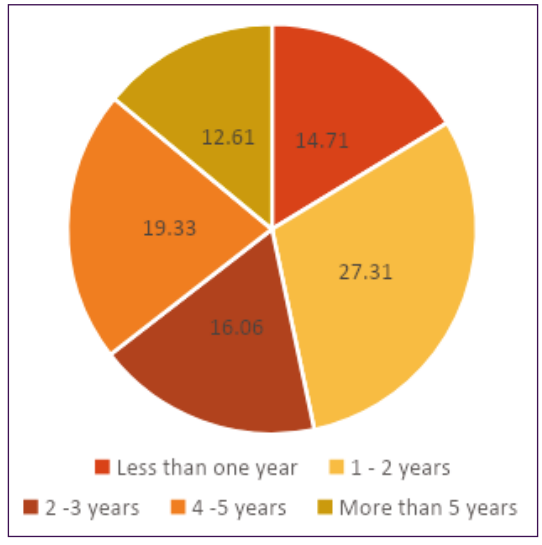
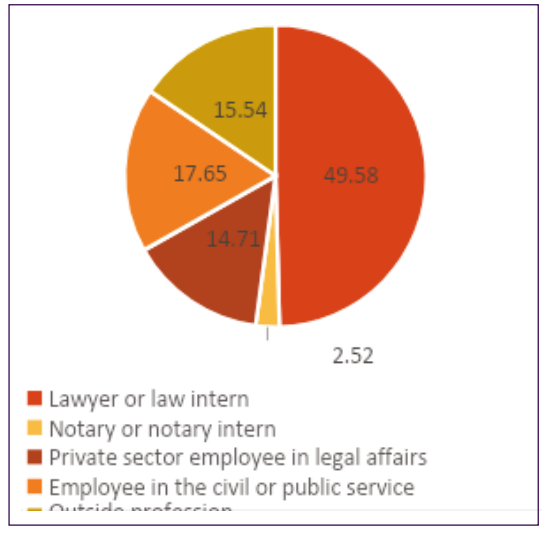
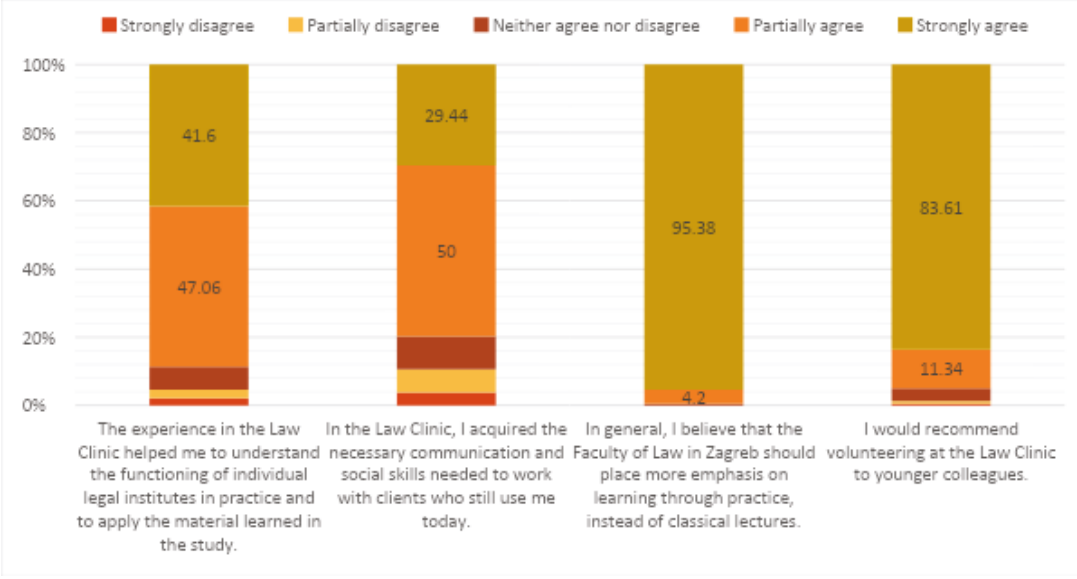


Chart 2 – employee sector



The second part of the questionnaire referred to the respondents' opinion on job satisfaction at the Law Clinic.

Chart 3 – The impact of clinical practice on study and employment



From the highlighted results, it should be mentioned that 42.44% of former students at least partially agreed that the experience in the Law Clinic helped them to learn the material of the courses they did not pass until the beginning of the clinical legal education. As many as 62.61% of respondents strongly disagreed with the statement that volunteering prevented them from taking exams and fulfilling other student duties. Furthermore, the results on acquiring legal skills during the clinical internship are especially important because the vast majority of respondents assessed that the Law Clinic at least partially helped them acquire the skills of structured written legal expression (69.23%) and the understanding of ethical values in the relationship with parties (74,3 %). The majority of former students (71.43%) stated that they strongly agree and consider it important that the student achieve additional goals during the student internship, such as helping vulnerable groups.

In the second part of the paper, seven cases of the parties that the students received, interviewed, and whose legal problems they successfully solved were analysed. On these practical representative examples of clinical groups, it is shown why the organisation of the Law Clinic gives the results obtained by the survey questionnaire. The analysis shows how clinical work helps to apply the curriculum's learned material, helps to master, and learn new institutes, introduces students to areas that are marginally or not covered by the curriculum, helps students to acquire the skills of structured written legal expression, communication and social skills and adopting ethical values. Finally, the last selected case proves that the Law Clinic achieves its basic goal of establishment, i.e., assistance to vulnerable groups in society, and students volunteer not only to contribute to their education and practical knowledge, but also to make an enviable contribution to the community.

CONCLUSION

The research provided data that confirmed the achievement of key goals of the Law Clinic Zagreb, including upgrading students' practical legal knowledge, contributing to the community by providing free legal aid to vulnerable groups and sensitising students to volunteering. Furthermore, the students' volunteering obligations, despite their number and scope, were not an obstacle to the successful completion of studies, and the survey confirmed that the Law Clinic often directly, and in any case at least indirectly, affects the employment of law students. Finally, clinical legal education affects comprehension of the learning material and the acquisition of general and professional competencies of students. All this is reflected in their position on the labour market after graduation. The entire research was published and made available for reading in the collection „Providentia Studiorum Iuris".

Case Studies

Source: Pexels.com


PRAVNA KLINIKA
ZAGREB

LAW CLINIC COURSE FOR EXCHANGE STUDENTS

EMA BASIOLI

Since the academic year 2014/2015 Erasmus students who come to the Faculty of Law, University in Zagreb within the Erasmus mobility programme have the opportunity to enrol in a course called "Law Clinic". By enrolling in the course, students can see the work of Croatian law students with real clients and legal problems they are facing. At the beginning of each semester, during the Orientation Day, organised for the exchange students, the Law Clinic invites students to enrol in the course. The duration of the course is one semester, and it is available both in winter and summer semester. Usually, ten to seventeen students enrol in the Law Clinic course each semester and those who successfully complete the course gain 10 ECTS credits and a certificate of participation. Many students enrol into the course because of the practical ways of learning, humanitarian character of the Law Clinic itself and teamwork.

OBLIGATIONS OF THE EXCHANGE STUDENTS

All lectures are usually located in the premises of the Law Clinic, in the centre of Zagreb, 5 minutes away from the Faculty of Law. In the first introductory class, which is mandatory, students are presented with the obligations that need to be fulfilled for passing the course. In the first class, students are presented with the structure of the Law Clinic's groups and organisation, as well as the case processing methods and supervision. Since the Law Clinic is divided into seven groups dealing with different branches of law, on weekly basis the student mentors of each group present to Erasmus students typical cases they come across in their work.

The Erasmus students must attend at least six of the total eight lectures per semester, including the first class. The Erasmus students must regularly submit the required number of homework assignments and write a final essay. Furthermore, before the pandemic, students had to attend the interviews of one group (of their choice) at the premises of the Law Clinic in duration of one hour. The exchange students who enrol in the course also have the opportunity to write for Pro Bono magazine, which is often the case.

The classes are designed in such a way that each week different student mentors hold a presentation introducing a typical hypothetical case of that group. The Erasmus students have the opportunity to get to know each group better, find out about their collaborations and work, ask the mentors questions and discuss the presented case together. The aim of the hypothetical case discussion is to get to know the legal systems of several different countries. All students have the opportunity to explain how the presented situation is legally regulated in their countries, and then student mentors provide a solution to the problem from the Croatian perspective and explain how they would assist a specific client. It is certainly encouraging to hear solutions from different legal systems and given that students from all around the world are enrolled in the course, the discussions are always very exciting. These discussions encourage critical thinking and case-based learning in an international environment.

ONLINE ENVIRONMENT

The last presentation held at the premises of the Law Clinic was in March 2020, at the beginning of the summer semester of the academic year 2019/2020. An introductory meeting was held then, and no one even suspected that only a few days later a coronavirus pandemic would be declared, followed by an earthquake in Zagreb, and that the usual work of the Law Clinic in its premises would become almost impossible.

The decision to suspend classes was extended, but that did not stop students from enrolling in the Course and learning many new things in a practical way. The number of students enrolled has not dropped, and virtual platforms, such as Google Meet and Moodle based Merlin, have helped to

organise discussions in a new environment. All the materials about the work of the group and the solutions for the cases in the Croatian law were available to students on the Merlin system and they also submitted their homework assignments there. The online discussions continued and student mentors hanged out with Erasmus students every week via online meetings. Furthermore, in the summer semester of 2020/2021, as the epidemiological situation became somewhat more favourable, the Law Clinic switched to the hybrid system, i.e. some students returned to the premises of the Law Clinic (in strict compliance with the measures and the limit of the number of people in the rooms) and some continued to work from home, due to their health reasons. Considering that 15 students enrolled in the Erasmus course in the summer semester, classes were organised online, but the students were given the opportunity to come to the premises of the Law Clinic for one hour during the interviews of one group (of their choice). This was not mandatory, considering that some students were in their home countries, due to the fact that other courses at the Faculty of Law in Zagreb were held completely online. On the other hand, those students who wanted, could come to get to know Croatian students and their work first-hand.

STUDENT IMPRESSIONS AFTER COMPLETING THE COURSE

By talking to students and reading their final essays, we learned that students most often enrol in the Law Clinic course because there are no organised law clinics at their home universities and they found it interesting to see how this kind of an organisation works. On the other hand, some had already participated in the work of a law clinic, so they were interested in comparing the programmes in their own countries. So far, no enrolled student has shown dissatisfaction with the acquired experience and knowledge, and no one regrets getting involved in the Course. Even during the online courses, the students' impressions were very positive. Many regret that there was no possibility of live visits where they could make new friends and get to know the work of the Law Clinic in person but praise the organisation and the effort invested into online classes. The weekly cases and questions (that) have prompted many to investigate and become even more familiar with their own or others' legal systems. With this form of exchange of knowledge, many point out that they have learned more about the laws and case law in other countries.

The Law Clinic seeks to attract as many exchange students as possible to enrol in the "Law Clinic" course in order to introduce them with clinical work and the Croatian legal system. Furthermore, in difficult and challenging circumstances, the Law Clinic quickly adapted and organised classes for foreign students. We can conclude that all students are satisfied with the enrolled course, enriched by the experience of the Law Clinic and even motivated to join the Law Clinic at their home universities. Foreign students gain 10 ECTS points in an interesting way, and students of the Faculty of Law in Zagreb can meet and socialise with foreign students. We hope that this course will continue to enrol more and more students, and we will try to improve the discussion methods and make it as interesting as possible.

Source: Pexels.com

DISCRIMINATION IN EMPLOYMENT

ĐORĐIJA PLAVŠIĆ

Generally speaking, to "discriminate" against someone means to treat them differently or less favourably for a variety of reasons. Discrimination can happen at school, work, or in a public place like a mall or a subway station. You may face discrimination coming from your classmates, teachers, coaches, co-workers, managers, or business owners. So was the case for one of our clients who was diagnosed with epilepsy. In 2016 he started working in a shipyard, a physically demanding job with harsh working conditions, and passed a medical check-up which confirmed that he was in good health. However, when he applied for another job, his application was rejected due to his medical history.

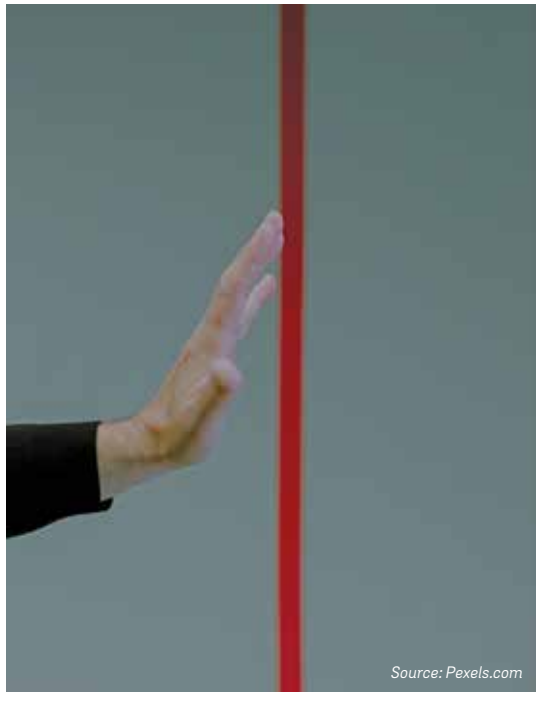
In addressing the client's problem, the students of the Group for the Elimination of Discrimination and Minority Rights, who this case was assigned to, had to advise the relevant provisions of the Croatian Anti-Discrimination Act. According to the Croatian Anti-Discrimination Act, placing of any person in a less favourable position based on a misconception of the existence of ground, is deemed to be discrimination. Such action will not be recognised as discrimination if the grounds for discrimination (e.g. health conditions) are the main conditions for a certain job or position. The purpose of such conditions must be justifiable, and the conditions themselves should be reasonable.

In accordance with the Croatian Labour Act, the direct or indirect discrimination is also prohibited in the hiring process, promotion, vocational guidance, professional training, and occupational retraining.

Our client was referred to the Ombudsman, as the starting point in addressing discrimination in Croatia. Namely, when a private individual or a legal entity suspects discrimination, they are entitled to file a formal report with the Ombudsman's office. The report will be reviewed, and the Ombudsman will act in official capacity if necessary.

If the victim of discrimination decides to initiate court proceedings, there are four different types of petitions that can be the subject of a lawsuit, ranging from a declaration of discriminatory acts to making a damages claim. Victims of discrimination have access to a special type of collective redress proceedings which will allow such victims to seek damages. Very important rules shift the burden of proof to the wrongdoer, assuming the victim has previously proven the facts pointing out to direct or indirect discrimination.

Our clients job application was rejected because of his medical condition, meaning he was directly discriminated against during the hiring process. He would not have been a victim of discrimination if the new position he was applying for had been incompatible with his medical conditions. However, putting him in a less favourable position must be justified and reasonable – for example, his condition would put him at risk of injury, or the company must follow regulations regarding employee health. Since there was no proof of such justification in the case at hand, our client was acquainted with the above-described legal options.



Source: Pexels.com

In discussions with Erasmus students, it was interesting to note many similarities between our laws, but also more or less subtle differences.

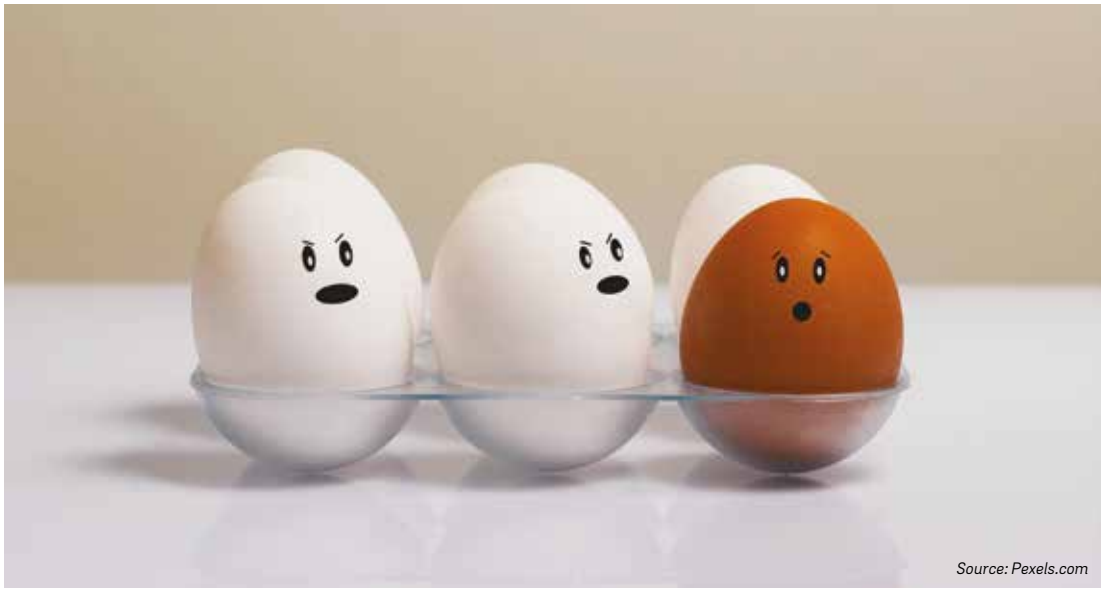
Belgium has an Anti-racism Act as well as Croatia, and also some general provisions in the Belgian Constitution that state that all Belgians are equal before the law and that the enjoyment of the rights and freedoms of a Belgian must be assured without discrimination. This law also governs gender equality. The most interesting difference is that in Belgium there are special laws (the Anti-Racism Act and the Gender Equality Act), not present in Croatian law.

In *Italy* there is a provision against discrimination at the workplace, discrimination based on religious beliefs, personal convictions, health conditions, age, or sexual orientation, which defines these types of discrimination illegal. As we previously said Croatia has an Antidiscrimination Act, which is similar to Legge Mancino (205/1993), the law which sanctions and condemns phrases, gestures, actions and slogans for the purpose of hate, violence, and discrimination on racial, ethnic, religious and national grounds. The worker can consult a labour lawyer, who might be able to solve the problem, submit a dispute to mediation or go to court. Moreover, the worker has another possibility: they can go to the labour union, and maybe start a collective trial. In any case, it is the responsibility of the worker to present testimonial and documentary evidence about their case and the employer does not have an obligation to prove anything.

Unlike Croatia, *Austria* has two legal sources for protection against workplace discrimination: the Equal Treatment Act and the Disabled Hiring Act. Unlike the Croatian antidiscrimination law, both laws have extensive lists of protected groups. In the case of a cancellation of a labour contract the person can go to the workers social service and make a complain there. They are like the Croatian Ombudsman in that they try to talk with the employer. If that fails, the discriminated person can go to court and either demand a recreation of the contract or full compensation for the caused damages.

As opposed to that, in *Spain*, there is Law 19/2020 on equal treatment and non-discrimination. If you are a victim of workplace discrimination, you are entitled to compensation that will put you in the position you would have been in if the discrimination had not occurred. You may also be entitled to a back pay, advance payments, salary increases, or a combination of these benefits.

The Equality Act 2010 in *Scotland* protects individuals from unlawful discrimination based on nine characteristics, one of which is disability. Both Croatia and Scotland are likely to handle the situation in a similar manner. The client should file an application with the Ombudsman



Source: Pexels.com

and report the incident. They will most likely be considered for the role without regard for their medical history, or they will be awarded damages for the pain and suffering caused by the employer.

Despite the absence of a special act or law on anti-discrimination, *French* law is consistent with the EU framework for such measures. A discriminatory measure refers to 25 different grounds including, for example, origin, gender, sexual orientation, gender identity, religious beliefs, health, and loss of autonomy or disability. According to the Penal Code, discrimination of a natural or legal person is punishable by three years' imprisonment and a fine of 45,000 euros. A person who is the victim of discrimination can seek legal assistance from a trade union, an anti-discrimination association or a "defender of rights". The case must meet certain conditions, including that the discrimination should be based on a legally defined criterion (health condition) and that the person is subjected to a situation covered by the law (access to a job).

In *Germany*, the General Act on Equal Treatment went into effect in 2016. Discrimination based on ethnic origin, gender, religion, ideology, handicap, age, or sexual identity, as well as racist discrimination, is prohibited. Employers are required to take anti-discrimination measures. In the event of unlawful discrimination, the worker has a right to complain, and they are entitled to compensation.

Sweden also has a special Discrimination Act. According to the statutory provision, for an incident to be considered discriminatory, it must also involve at least one of the seven "grounds of discrimination" (sex, sexual identity, ethnicity, religion, disability, sexual orientation, and age) are among them. If a person believes they have been discriminated against, they can file a complaint with the Equality Ombudsman.

We can conclude that we encounter discrimination at work both in Croatia and in other European countries, which we can see from the examples given by our Erasmus students. Comparing individual legal systems, we can say with certainty that the above countries have similar legal provisions as Croatia. Workers who have experienced discrimination in countries such as Belgium, Sweden, Germany, Austria, Scotland turn to an Ombudsman, and if they fail to do so they can go to court, file a lawsuit and receive compensation for damages. As opposed to that, a person who is the victim of discrimination in France can seek legal assistance from a trade union, an anti-discrimination association or a "defender of rights". Italy has a different approach to the problem of discrimination at work, involving labour lawyers who help workers to settle their disputes in mediation or negotiation. Spain has detailed rules on the method of remuneration.

Source: Pexels.com

PERSECUTION FOR RELIGION

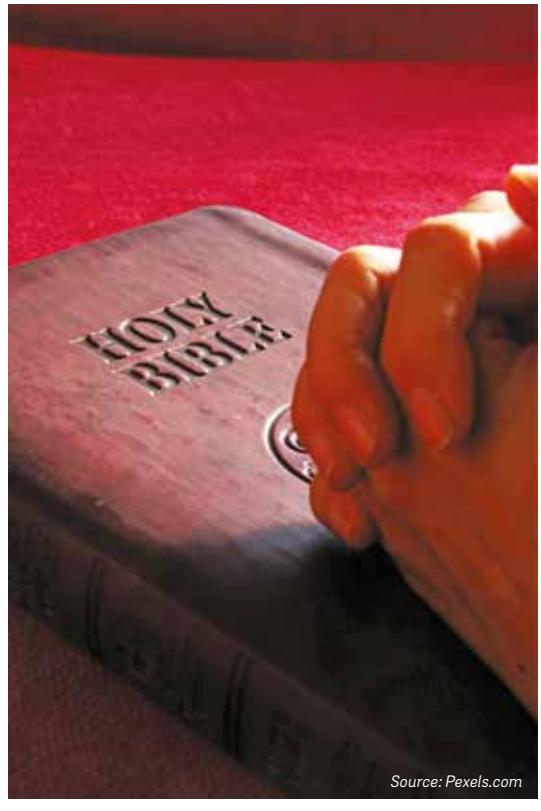
BARBARA GRLIĆ

Members of an unrecognised religious minority in a country are often viewed as ''heretics'' and are being forced to accept the religion of the majority. Besides being banned from exercising their religion in public, they are not allowed to work in public service or to attend college. Their marriages are not recognised and there have been several arrests as well as incidents resulting in death of members of said minority based on the accusation of forcing their religion upon other people. Nadia, who is a member of the minority in question, although an excellent student, was not able to continue her education and she lost her job as well. Also, she is worried about living with her husband in her country because her marriage is not legally recognised there and on the other hand cohabitation is considered a felony with a potential long term prison sentence. The main question was whether Nadia should be granted asylum.

In addressing the client's problem, the students of the Group for asylum seekers and foreigners had to advise the relevant provisions of the Convention Relating to the Status of Refugees from 1951, but also the Croatian Law on International and Temporary Protection.

Convention Relating to the Status of Refugees from 1951 is an international treaty is also in force in Croatia. The convention defines the term "refugee" as any person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of their nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country; or who, not having a nationality and being outside the country of their former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Additionally, the Croatian Law on International and Temporary Protection stipulates that asylum shall be granted to applicants who are outside the country of their nationality or habitual residence and have a well-founded fear of persecution owing to their race, religion, nationality, affiliation to a certain social group or political opinion, because of which they are not able or do not wish to accept the protection of that country. The same law also sets out the conditions for subsidiary protection and defines the term serious harm. Subsidiary protection shall be granted to an applicant who does not meet the conditions to be granted asylum if justified reasons exist to indicate that if returned to his/her country of origin he/she would face a real risk of suffering serious harm and who is unable, or, owing to such risk, is unwilling to avail himself/herself of the protection of that country. Serious harm assumes the threat of death by penalty or execution, torture, inhuman or degrading treatment or punishment, and serious and individual threat to the life of the civil population due to arbitrary generalized violence in situations of international or internal armed conflicts.



Source: Pexels.com

From the above, we can conclude that Nadia is entitled to asylum because she has a well-founded fear of being persecuted for reasons of her religion. Her well-founded fear comes from the fact that there were several arrests as well as incidents resulting in the death of members of her religion. She is worried about living with her husband in that country, because of which she is not able, or she does not wish to accept the protection of country A.

In discussions with Erasmus students, it was interesting to notice many similarities between our laws, because most of the countries are members of the Convention 1951, but there are also some differences.

According to the Gender Convention on Refugees, which is legally binding in *Austria*, refugees are people who are outside of their native country, because they are persecuted or could be prosecuted for reasons such as their race, political beliefs or religion. If a person does not fit this criterion, they may receive "subsidiary protection", if they might face death, torture and other violations of their corporal integrity. Nadia should be granted asylum according to the Austrian law on asylum, because if we consider all the given circumstances, her life is at risk.

According to *Belgian* law, a person may be recognised as a refugee if the criteria laid down in the Geneva Convention are satisfied. Therefore, Nadia is entitled to asylum in Belgium because she has a well-founded fear of being persecuted for reasons of her religion. If she had not been able to get asylum, she might have been able to get subsidiary protection, which in Belgian law is granted to an alien who cannot be considered a refugee, and in respect of whom there are substantial grounds for believing that, if he/she was returned to his/her country of origin or his/her habitual residence, he/she would run a real risk of suffering the serious injuries referred, and who cannot or, in view of this risk, is not prepared to avail themselves of the protection of that country.

In *France*, any person persecuted because of their action in favour of freedom has the right of asylum on the territories of the Republic. There is also subsidiary protection, which is granted to the person who does not meet the above criteria but who establishes that "he or she is exposed in

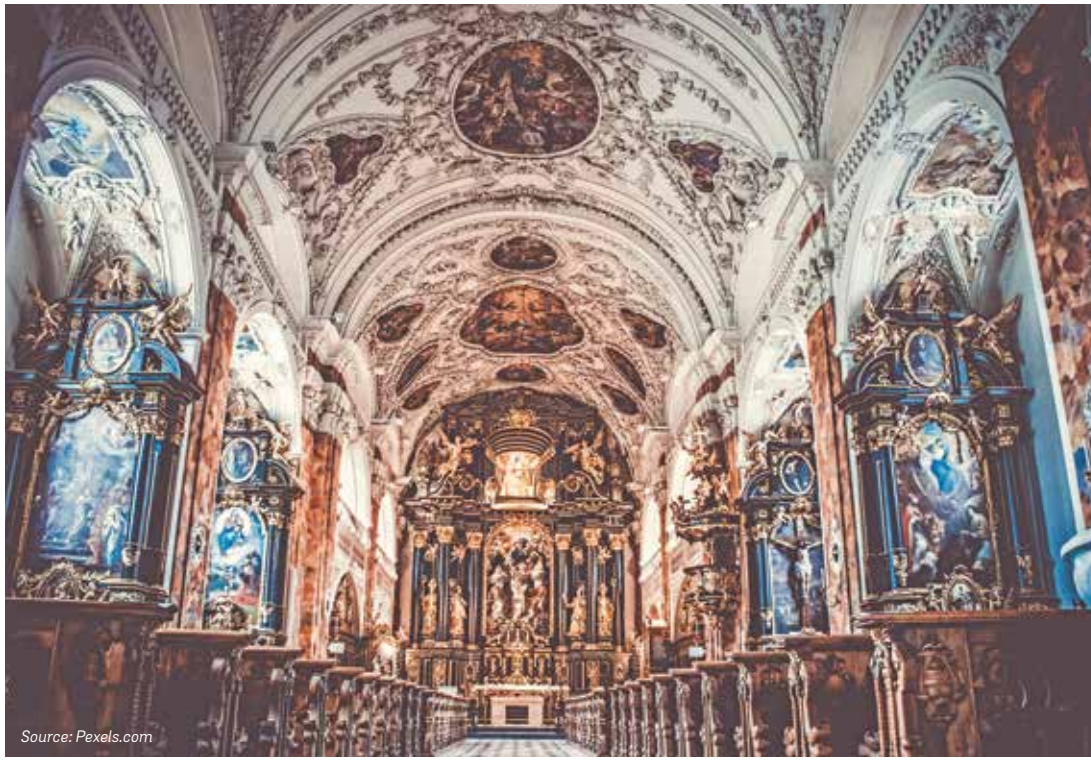
Source: Pexels.com

his or her country to the death penalty, torture or inhuman or degrading treatment or punishment, or, in the case of a civilian, to a serious, direct and individual threat to his or her life or person as a result of widespread violence resulting from a situation of internal or international armed conflict." Nadia would be granted asylum since her country does not protect her, so she's persecuted because of her religion that differs from the majority. The asylum could be refused only if the French Law admits that her religion and its exercise can constitute a threat for the public order of the State.

German Constitution stipulates that every person persecuted for political reasons that wants to flee to *Germany* can invoke German asylum law. The same law defines "refugee" according to the Convention of 1951. Nadia is entitled to asylum in Germany because she is part of a religion viewed as "heretic" in her home country which means that her life is in danger as there have already been several arrests as well as incidents resulting in the death of members of her religion. This concludes a well-founded fear of persecution.

In *Italy*, a foreigner who is denied the effective exercise of the democratic liberties guaranteed by the Italian Constitution in his or her own country has the right of asylum in the territory of the Italian Republic, in accordance with the conditions established by law. Thus, according to the Constitution, Nadia should be granted asylum because not only is she persecuted for reasons of religion, but she also cannot exercise her democratic liberties such as cohabitation, working in public services, studying in college and of course exercising her freedom of religion.

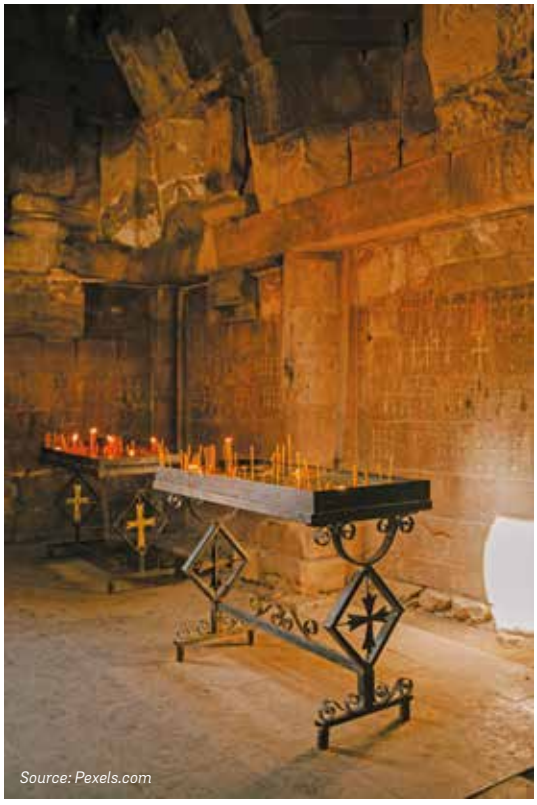
In *Sweden*, asylum seekers may be granted a residence permit, even if they do not need protection from persecution. This requires extraordinary circumstances directly linked to their personal situation, (for example, people with very serious health issues or people subjected to human trafficking) implying that a decision to deny residence permit would conflict with Sweden's international obligations. You can get a residence permit for a limited period if you are unable to return to your country of origin on the grounds that you risk being killed or persecuted there. Nadia should be granted asylum since



Source: Pexels.com

she fears persecution due to her religious beliefs. Also, the arrests of other members of this minority have resulted in deaths, hence the fear being well-founded.

In the *United Kingdom*, the standards and rules surrounding immigration change frequently. Similarly, asylum seekers can be granted asylum if the individual has a 'well-founded fear of being persecuted'; despite the UK not ratifying the UN Refugee Convention, the act certainly influences the immigration laws. Additionally, the UK has further criteria that must be satisfied before entry is permitted: the individual who has arrived at a port of entry in the UK, will be defined as a refugee if they are not a danger to society and if they have and finally, if the application was refused, their life would be in danger if they were to return to their country. It is likely that under UK legislation, Nadia would be granted asylum. However, recently the UK has restricted the number of applications being approved and any refugee living in the UK, under new laws, could be sent home at any time.



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From the examples given by our Erasmus students we can conclude that all the discussed countries have very similar solutions, and that Nadia would probably get asylum in each one of these countries. Comparing individual legal systems, we can say with certainty that the above countries have almost the same legal rules as Croatia, although not always contained in comparable legal acts. But a more detailed analysis leads to the conclusion that all the above-mentioned countries, except most likely the UK, would give asylum to our client.

Source: Pexels.com

GIFT RECALLING

MAJA MARIJAN

While volunteering in the Law Clinic, one can come across a lot of interesting cases. Even though the main reason to volunteer is always that great feeling when you realise that something you do can help someone in need. One case really caught our attention. One client came to the Law Clinic seeking the advice about gift recalling. He made his son – the co-owner of his house and now, the son has his automobile repair shop in that particular place. Our client lives with his mother in another house of which he is a– co-owner. He receives 1700 kunas (230 euros) on grounds of his retirement and 270 kunas (36 euros) on the basis of his disability. Furthermore, our client has brain cancer, and he needs a hip replacement. His main questions were if it was possible to recall the gift and what his general legal possibilities in his situation were.

The importance of getting gift recalling under legal grounds is very self-explanatory if we consider it within the rules of civil law. According to Croatian legislation, our party's problem could be solved in two ways. If the donor, after the fulfilment of the contract, becomes too poor to support himself, he can recall the gift requesting its return, but only if there is no person who would be obligated to support the donor. Namely, an adult child is obligated to support a parent who is not capable of working and cannot sustain a living, i.e. cannot support himself financially. Legal requirements for recalling a gift are as follows: the gift must be in the property of the donee at the time of recalling; the donee must be financially capable to support himself and other family members; the donor must not bring himself into state of scarcity by intent or gross negligence; recall of the gift must be done withing10 years (in case the real estate is donated) or 5 years (in case of movables); the donee does not ensure enough funds for the donor's support in return. Another reason for recalling a gift is the donee's ingratitude. It can be the result of a criminal offense against the donor or his family members or of not fulfilling other obligations to the donor.

Our client had two legal options to resolve his problem. He could either request the support from his son on the grounds of not being able to support himself financially or recall a gift if the statutory requirements are met. The client's son is obligated to support him, but if he refuses to ensure funds for the support, he is obligated to return the gift. Our client had to prove that he did not have enough funds for self-support and also that his son refused to support him. If we are taking ingratitude into consideration, our client needed to prove his son's ingratitude. We also warned our client that the recall must be in the form of a written statement directed to the donee and that the statement must be verified by notary public.

Source: Pexels.com

In discussions with Erasmus students, we noticed interesting similarities and differences among our legal systems.

In *Italy* the legal framework about the recall of a gift is a little bit different. In Italy you could recall a gift only on two grounds: the first one is the donee's ingratitude and the second one is on the basis of the donor's new children: within five years from the birth of the last child. Our client thus could not recall the gift because of his poverty, but he could act against his child if he would not be willing to support him because of cancer and not having enough money to live.

In *Belgium*, gifts are considered irrevocable. However, there are several situations that could cancel the effects of the gift. Some reasons were relevant before Belgium's Court of Cassation (their highest court) made a recent decision in which it stated that these grounds are no longer applicable: firstly, the respect of conditions of validity and secondly, the caducity. The third possibility is the resolution which was not affected by their Court's ruling. This can generally occur if the donee is ungrateful under very similar circumstances as in Croatia, but the difference only lies within the seriousness of ingratitude.

In *Austria*, gifts are not as permanent as other types of contracts and they can be challenged or adjusted because of a mistake in motivations of the donor, and they can be revoked for some specific reasons (the donor's poverty, heavy ingratitude, reduction of the mandatory supplements etc.).

In *Spain*, gifts between the living is an irrevocable contract. However, there are some exceptions: the gift can be revoked by the donor as long as it has not been accepted by the donor. Secondly, ingratitude. Concerning ingratitude, in this particular case the donee would be considered as a possessor of bad faith. Also, the revocation of the gift is generally done through action of revocation.

French legislation states that, gifts inter vivos, especially to a child, are irrevocable. However, they provide the possibility of revocation in case of ingratitude on the part of the beneficiary. Ungrateful behaviour is considered as attack on the life of the donor, abuse, serious offences, insults

Source: Pexels.com

etc. Also, children have legal obligations to help their parents if they are in need.

In *Finland*, the recall is possible if the gift has not been fulfilled yet. Two conditions must be met in order to recall the gift. Firstly, if the property conditions of the donor have radically changed, the gift promise could be recalled. It basically means that the donor has unexpectedly become poor. Secondly, if the donor has faced injustice from the recipient. The reasons concerning injustice must be concrete and serious. Also, recall is only possible if the contract has not yet been completely fulfilled.

German legislation states that if the donee is guilty of gross ingratitude by committing a serious wrong against the donor or a close relative of the donor, it can be submitted to the grounds of revocation. Also, the return of the gift may be demanded under the provisions on the return of unjust enrichment. The revocation is excluded if the donor has forgiven the donee. Also, it is excluded if one year has passed since the party entitled to revoke obtained knowledge that the requirements for him to have the right had been satisfied.

In *Sweden*, the possibilities of recalling a gift are very limited. When a gift has been given, the only possibility is if the donor has changed his/her mind prior to giving a gift. If after the gift has been pledged but before it has been completed, the donor's wealth changes so much that the demand for the gift would be manifestly impossible, it may be revoked or reduced. If the recipient of the gift does the donor wrong, the donor can revoke the gift. However, this can be done within one year from the time he became aware of the injustice.

As opposed to previous statements, which have major similarities with Croatia's legal system, the *Australian* legal system states that there is no legal mechanism which allows recall. In Australia, gifts are usually given bona fide and without any condition. There are, however, some situations where the gift can be granted on condition. These are called conditional gifts and they operate under contractual law. If the gift is given, but the conditional promise given in return for the gift is not fulfilled, the donor can recall the gift or receive damages for the value of the gift.

Some differences were also noted in the *UK*. It is stated that for the party to recall his gift, he must have the necessary paperwork to prove it was a loan rather than a gift. Also, in order for a gift to be legally effective in England and Wales, three requirements must be met: intention of donor to give the gift to the donee, delivery of the gift and acceptance.

In the *Netherlands*, as stated, there are not any legal provisions that allow a certain gift to be recalled. According to our colleagues, if a gift is given, and the giver has passed away in the following 180 days, it is not considered a gift but inheritance.

Slovenian legislation allows the cancellation of a gift contract for three reasons. The first one is a severe ingratitude. If after its conclusion the donee behaves towards him or his neighbour in such a way that it would be unfair according to basic moral principles for the donee to keep the received gift. Secondly, it can occur due to later born children. Thirdly, the gift can be recalled due to distress, i.e. if, after concluding the contract, a donor finds itself in a situation where he has no financial means. Furthermore, the donee may keep the gift if he provides the donor with maintenance, just like in Croatian law.

From the information provided from the Erasmus students, we can see that our client would receive a similar advice in a number of countries. However, some countries allow for a wider possibility of recalling, while some almost make it impossible.

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DIVORCE

MARINA KOŽARIĆ

Divorce in Croatia is the basis for the termination of a marriage by a court decision, by which the marriage is resolved due to circumstances which arose in the course of the marriage or based on an agreement between the spouses. In one of our cases, the spouses have been married since 2001. They have an 11-year-old child, therefore a minor and an 18-year-old child, therefore an adult. The spouses have not yet participated in family mediation nor reached an arrangement for joint parental custody, and they wish to divorce in a peaceful manner. They inquired how they could start divorce proceedings and what the expected course of the proceedings would be.

In accordance with the Croatian Family Act, the court will decide on the divorce if both parties propose a divorce by agreement, if it finds that the marital relationship is severely and permanently disturbed or if one year has elapsed since the dissolution of the marital union.

Both spouses can propose a consensual divorce. Such a non-contentious procedure is initiated by an application for consensual divorce. The court does not examine the circumstances that led to the divorce in case of a consensual divorce. The court in whose territory the spouses had their last common residence is competent for the proceedings concerning the application for a consensual divorce. Spouses are required to participate in compulsory counselling before initiating legal proceedings for divorce if they have a common minor child. Compulsory counselling is a form of assistance for family members to reach consensual decisions on family relationships, taking particular care of the children's rights. Compulsory counselling is carried out by the expert team of the social welfare centre. It is very important to emphasise that if spouses intend to divorce based on an application, they are required to draw up a joint parental care plan. Thus, spouses who have a common minor child are obliged to submit a report on compulsory counselling and a plan on joint parental care with the application for a consensual divorce.

If the spouses do not draw up a joint parental care plan by the time the compulsory counselling is completed, they are required to attend the first family mediation meeting as the second level of assistance in order to draw up a joint parental care plan. A spouse who does not attend the first family mediation meeting may not file for divorce.

If the spouses do not draw up a joint parental care plan that contains an agreement on all of the above-mentioned issues, consensual divorce is not possible. In such cases, the court will decide on these issues on its own motion in the proceedings for divorce initiated by a lawsuit from one of the spouses.

In our discussion with Erasmus students, it was interesting to note many similarities between our legal systems, but also more or less subtle differences.

In *Germany*, there are a lot of similarities. To start a divorce procedure one of the parties needs to file a divorcing application to the family court. After receiving the divorcing application, the Court forwards it to the other spouse, who has the right to agree or disagree on it. Then a so-called pension right adjustment takes place. Spouses can waive the pension adjustment in a notarial agreement prior to filing a divorce application. Afterwards they will have an appointment in front of the court, where the judge presents the divorce resolution. Consent about child custody must be reached. In Germany both parents have to exercise custody on their own responsibility and by mutual agreement for the best interests of the child. If they have different opinions, they must try to come to an agreement. If an agreement is not possible, the family court decides at the request of one of the parents and transfers the sole decision to one of the parents.

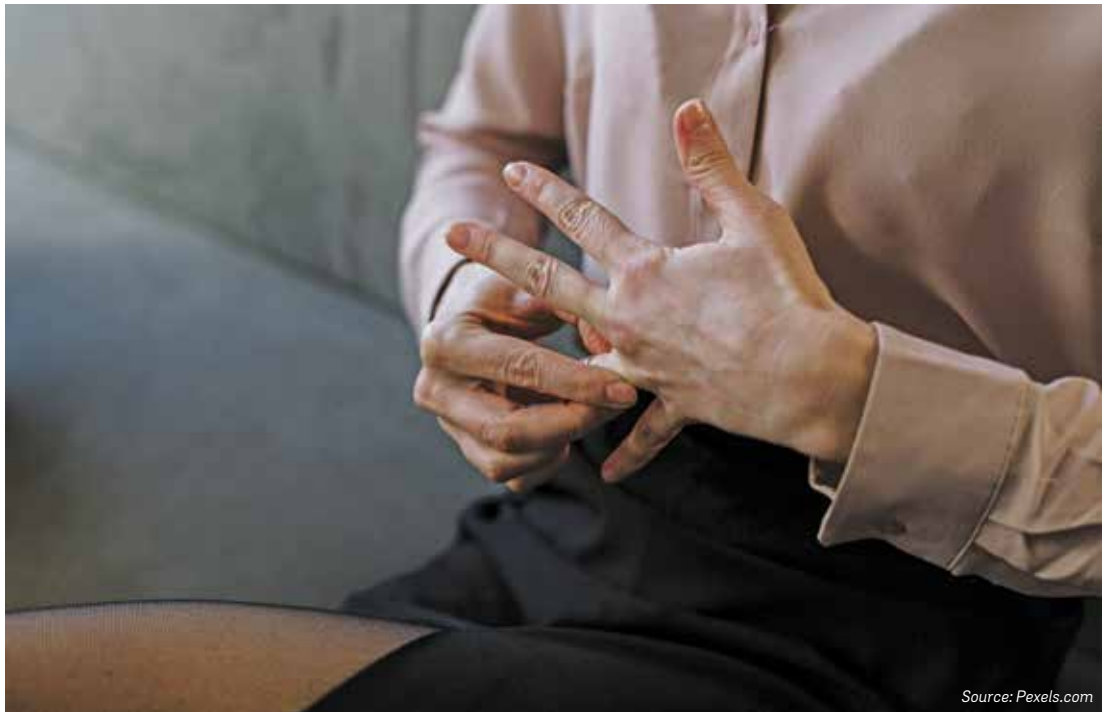
In *Austria*, we also find a lot of similarities. The courts accept the sole declaration of the parties that the necessary requirements are established.

Both parties have to bring in an application for a consenting divorce at the district court. Married parents must take council from a suitable person or institution on the consequences of the divorce for their children before the legal consequences can be regulated in court which is the same as the spouses' obligation in Croatia to participate in compulsory counselling before initiating legal proceedings for divorce because they have a common minor child. The spouses are obliged to submit the joint parental care plan with the application for a consenting divorce. The court chooses a date for the consenting divorce which both parties have attend personally. Then the parties must tell the judge how they want to handle the divorce issues and the judge will declare the divorce legally binding.

Like in Croatia, in *Belgium* a family mediation is possible and, in this procedure, a joint parental care plan must be reached. In case of a divorce by mutual consent the parties must agree on everything before they can appear before the family court. Parties will have to draw up a divorce agreement and have it homologated by the family court so that it has the same legal value as a judgement. If they cannot agree on the divorce agreement, unlike in Croatia, it will be a divorce for irretrievable breakdown requested by both parties. The parties will file a joint request which is decided by the judge. The parties have complete control over the terms of the custody and alimony of the children. If the parties cannot agree on the parental plan the family court is competent to determine the modalities of exercise of parental authority by the spouses with regard to the children.

Unlike in Croatia, in *France* if the parties agree on the effects, they can divorce without the judge in the presence of a lawyer. In a case of mutual divorce all the things regarding parental authority and children's custody shall be written in a contract and signed by both parties, but contrary to Croatian law, there is, strictly speaking, no parental care plan. A contract is then sent to the notary who gives the enforceability to the contract. If the husband and wife do not agree on the divorce's effects, the intervention of the judge is necessary. The intervention of the judge is also necessary when the couple's minor child asks to be heard by the judge and when one of the spouses is in a protection regime.

In *Sweden*, if the spouses agree that the marriage shall be dissolved, they have the right to



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divorce. But they have to take a period of reflection if they both request it or if one of them lives permanently with their own child under the age of 16. Such grace period begins when the parties jointly apply for divorce. That institute does not exist in Croatian law. There is also no compulsory counselling in Swedish law.

We found a similar approach to counselling in *Scotland*. It is not compulsory to go through counselling before your divorce, but it is encouraged and useful to decide what happens to the children and the property. Mediation is also advocated for because it is seen as a helpful tool to talk and negotiate. The next step in Scotland is for the parties to discuss their children's fate and agree on their grounds for divorce. If there is a child under the age of 16 involved the couple must apply for an ordinary divorce (divorce on the grounds of one year's separation with consent or two years' separation in which consent is not required). The court decides on a divorce.

In *Finland*, parties start a divorce proceeding with an application concerning divorce. Unlike in Croatia there is a six-month waiting period. After that the court can confirm the divorce.

They do not have compulsory counselling like in Croatia. There has to be consensus or agreement about the children's maintenance. If there is consensus between parties, the court can confirm the children's maintenance in the same process concerning the divorce. But like in Croatia if there is a disagreement between the parties about the maintenance, they must go to compulsory counselling organised by social welfare with the main goal to reach an agreement.

In *Italy* in case of consensual divorce, an agreement is made between the two lawyers (one for the wife and one for the husband), and this agreement is presented to the President of the Court who will then decide on the agreement and declare the divorce. If there are minors involved in the divorce, there must be a control by the prosecutor to check if everything was made respecting the law.

In *Spain*, there is a slightly different procedure of divorce by mutual agreement. When the parties are completely in agreement with the divorce, they can both go to the same lawyer, explain to him in what terms they have decided their divorce, and he will take care of shaping it. Once

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the agreement has been reached, two documents are drawn up by the lawyers. The divorce application and the regulatory agreement are signed by both and then represented to the court.

In the *Netherlands* a divorce starts with the submission of a petition. A lawyer is required for a divorce. The parties can go down a path of a joint petition with a joint lawyer. The parties who have children must draw up a joint parental care plan. Both parents have equal rights.

Slovenia has almost the same legal framework as Croatia. The parties must attend prior counselling at a social work centre before filing for divorce and it is attended by the parties in person. If the party who filed for divorce does not attend the mandatory prior counselling at the social work centre, the court rejects the divorce proposal. A court shall dissolve a marriage based on an agreement between the parties if they have agreed on the parental plan and on the division of joint property. Before the court renders its decision, it must determine whether the agreement of the parties provides for the care, upbringing and maintenance of the joint children.

In most countries, a divorce petition can be filed by presenting an agreement by both spouses or by filing a lawsuit against one of the spouses with the competent court. In some countries, the spouses do not have to resort to courts, but can or should use the assistance of specialised lawyers or notaries public. Mediation and counselling are mandatory in some states, whereas some merely recommend it. Our client would thus receive a similar advice, although the steps would differ depending on the country in question.

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ENFORCEMENT OF CLAIMS ARISING OUT OF CONTRACTS FOR SUPPLYING UTILITY SERVICES

PETAR ALERIĆ

The Group for The Protection of Citizens in Enforcement Proceedings received a case where a client owed several consecutive claims for supplying utility services to her household. The creditor started a procedure against the debtor and our client, as the debtor, asked the Law Clinic for help, inquiring what the limitation period for this type of claim was statute-barred, whether the statute of limitations had at all started to run, whether she would be able to succeed with the objection and what we, as legal experts, would suggest she should do. Her debt arose out of bills issued less than a year ago.

According to the Croatian Civil Obligations Act, the general limitation period for the claims of occasional givings is three years' time from maturity of each of them. However, the limitation period for claims arising out of contracts for the supply of water, heat, gas, electricity, and other household supplying utilities is two years shorter. In that case, the claim is statute-barred after one year from the maturity of each of the claims. In a particular case, the debtor is not authorised to an objection of a prescription because the claimant filed a motion to enforce one of his(her) claims for delivered utility services within one year from maturity of the oldest claim. It is important to mention that according to the Croatian Civil Obligation Act, the court is not obliged to take limitation into consideration if the debtor has not expressly invoked it during the proceedings. However, the client obviously would not succeed with the objection of a prescription because the statute of limitations has not expired yet.

However, the client can put other objections such as: an objection of terminated claim, if the claim was terminated based on a fact which arose after the relevant decision was made, objection of a postponed, prohibited, modified, or otherwise prevented, fulfilment of the claim, and so on, and if they're well founded, she can succeed with them. Otherwise, the client is not able to "avoid" the

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payment of her debts, but can reduce their amount if she pays them in time. The Croatian Civil Obligation Act determines the debtor's obligation to pay default interest if he or she is late with fulfilling their obligations. Additionally, by paying his(her) debts in time, the client also avoids eventual litigation costs. So, the most concrete advice to our client would be to settle the debts as soon as possible, to avoid any further costs.

In comparing *German* solutions to these issues, some differences are visible. If the client were under the jurisdiction of German law, she would not be able to succeed with the objection because the limitation period would commence after three years counting from the end of the year in which the claim arose; at the end of the year 2021. There are similarities regarding the legal remedies, which are solved by competent civil court both in Croatia and in Germany. Additionally, in both legal systems, it is advisable to pay valid debts to avoid unnecessary default interest or litigation costs.

Same as in Croatia, *Slovenian* law sets forth three years as the limitation for these types of claims. The client would succeed with the limitation objection if she filed it within eight days from receiving the enforcement order. In case of a seizure, it is important to know that a seizure is not possible on all revenues. The debtor in enforcement proceedings must be left at least with the minimum net wage. To conclude, Croatian and Slovenian rules in this matter are almost the same.

Heading to the *Netherlands*, we notice the difference in the time period. The time limit for the claim of contractual obligations is five years counting from the day that follows the day in which the debt becomes due. In some cases, the limitation period can be as long as 20 years. Accordingly, the party would not be authorized to object to the limitation because it has not yet occurred. The advice to the client would be the same as in our case: to pay the debt as soon as possible to make sure that the default interest and other expenses do not pile up.

The *United Kingdom* has an even longer period in which the creditor has to take action against the debtor in comparison with the Netherlands. It amounts to six years. After that period expires, the debt becomes uncollectible and the debtor will easily succeed with filing an objection. It would not be the case in a concrete legal case. But, when a court is deciding about enforcement, it takes into consideration all of the circumstances and personal debtor's situation. The client would be advised to contact Citizens Advice. They provide legal advice after in-depth analysis of a case. If that is not enough, it is, of course, advisable to contact a solicitor for help before the first hearing in a court.

In *Western Australia*, the general limitation period for that type of claim is six years. The client would thus not be successful with his/her objection, if she was under Western Australia's jurisdiction, because the creditor's claim arose within that period. The client should be warned that action against him would be possible. Also, if the client had valid reason not to pay his(her) debt, she should challenge the claim in a court.

To summarise, all analysed legal systems have similar legal rules. The biggest difference is the time period in which a claim becomes uncollectible if a creditor does not take action within the time limit.


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MEDICAL NEGLIGENCE

TENA PAVELIĆ

A physician must possess professional knowledge and competence to guarantee the implementation of medical treatment in accordance with the rules of the medical profession, which are based on the professional standards of conduct of an experienced physician within an appropriate medical specialisation. On the other hand, medical negligence is substandard care that has been provided by a medical professional to a patient, which has directly caused injury or caused an existing condition to worsen. There are a number of ways that medical negligence can happen, such as misdiagnosis, incorrect treatment or surgical mistakes.

The client who addressed the Group for the Protection of the Patient's Rights is one of many who faced this problem. The client had bile surgery during which the gallbladder was completely removed, a part of the liver was also removed, and the rest of the organs were connected by a so-called "medical clasp". After surgery, in the early 2000s, he experienced various inflammations. The client claims that the cause of inflammation was found to be due to the movement of the clasp and was caused by a medical mistake. As a result, the client was unable to get a job afterward and claims that he is currently experiencing mental health problems. Therefore, the client was interested in whether he could obtain indemnity (compensation) for physical and mental pain he suffered and if the answer is yes, how he could do it.

Under the Croatian law on Protection of Patient's Rights, each patient is guaranteed a general and equal right to good quality and continuous health care appropriate to his or her health, per generally accepted professional standards and ethical principles, in the best interests of the patient while respecting his or her personal views. Also, the patient is entitled to compensation under the general rules of compulsory law.

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The Croatian tort law defines the damage as the impairment of one's property (ordinary damage), the prevention of one's property increase (lack of benefit) and the violation of a person's rights (non-pecuniary damage). Whoever causes the damage is obliged to compensate it if he does not prove that the damage was done without his fault. The fault exists if the damage was caused intentionally or negligently. Therefore, whoever inflicts bodily harm or damage to his or her health is liable to reimburse him for the costs of treatment and other necessary expenses and also for the profits lost due to their inability to work during treatment. Also, if the injured person loses their earnings due to their total or partial incapacity to work, or their needs are permanently increased, or their possibilities for further development and advancement are destroyed or reduced, the responsible person is obliged to pay the injured party a certain amount of money, as compensation for the damage.

However, the client was warned that, when the statute of limitations expires, the court protection is no longer a possibility. The statute of limitations begins to run on the first day after the day the creditor was entitled to demand fulfillment of the obligation unless the law says differently and sets in when the last day of the statutory time has expired. In the case of damages, the statute of limitations expires 3 years after the injured party found out about the damage and the person responsible for that damage. In any event, the statute of limitations for compensation for damages expires 5 years after the damage occurred.

In explaining the legal options, we advised the client that it is, first and foremost, possible to sue the hospital where the doctor is employed or the doctor himself in civil court. The client could claim compensation for physical pain, loss of income and mental suffering. When a case is brought before civil court, the client has to demonstrate that there has been a harmful act, a damage and existence of a causal link between medical error and resulting damage to the patient's health. The lowest degree of fault is presumed, which is a common negligence. Any higher degree of fault, such as intention and extreme negligence, must be proven by the client. In order to obtain compensation, the client must provide medical expertise and hiring a lawyer is something that should be taken into consideration. Proving a violation of medical standards usually requires expert witnesses. In some cases, the medical malpractice is obvious, but in the majority of cases there are complex medical issues which need to be thoroughly evaluated. It is also worth mentioning to our client that civil procedure is a long-drawn procedure with high costs.

An obviously negligent treatment may even end up in criminal or disciplinary proceedings. The former proceedings are conducted by criminal courts after the prosecutors decide to initiate them, while the latter ones are conducted by the Croatian Medical Chamber, i.e. its Court of Honour. We also made our client aware of the general possibility to protect his patients' rights with the Administrative Department of Health Care, but in a limited scope. The Administrative Department of Health Care, as an administrative body, has authority to make recommendations to a public body in particular cases, but is not authorized to make any decisions.

When discussing this case with Erasmus students, we found numerous similarities, but also some differences of legal solutions of the protection of patients' rights in different countries.

In *Germany* the regulations regarding compensation for medical errors are almost identical to the ones in Croatia. In both Croatian and German law, the patient is entitled to compensation if he or she is affected by medical malpractice, in Croatian law according to the general rules of compulsory law and in German according to the general regulations of contract law. In order to receive compensation, the injured patient must prove the medical malpractice within three years - after the deadline, all claims for compensation against the treating person are statute-barred. The patient bears the full burden of proof, i.e. has to prove the connection between his health complaints and the medical malpractice made by the doctor or medical staff. If the malpractice is particularly serious, the burden of proof is reversed in favour of the patient.

In order to get compensated in *Belgium*, the damage must be abnormal and sufficiently serious, and fit at least one of these criteria: cause a permanent disability of 25 %, cause a temporary work incapacity of at least 6 consecutive or non-consecutive months within a 12month peri-

od, cause the death of the patient or disrupt the patient's living conditions (including economic disruption). The statute of limitation to invoke the damage in Belgium is 5 years and begins to run from the moment the party becomes aware of the damage and the person who caused it. If the medical liability does not result from a fault of the doctor, it is possible to be compensated by the insurance of the doctor or by the Medical Accident Fund.

According to *Austrian* civil law, doctors and all members of other health professions are not obliged to offer a success but must perform their duty lege artis. If malpractice leads the patient to suffer damage, they can assert claims for damages under civil law. The basis for this is the existence of a treatment contract. It is concluded when patients seek medical help at a local doctor's practice or a hospital. Claims for damages are statute-barred after three years from the moment of becoming aware of the damage and the person who caused the damage. Unlike in Croatia, if the damage or who caused the damage is not known, a doctor's liability expires after 30 years. Also, an out-of-court settlement can be reached to avoid a costly legal process. The question of damage is then handled by the patient advocates and the arbitration boards of the medical associations. If the doctor violated his/her operational procedure, he can be prosecuted by the Austrian public prosecutor.

In *Australian* law, medical negligence is treated in a similar way to general negligence claim. Negligence is one of the areas of law in Australia which is governed almost entirely by case law – there is no legislative regime governing the principles of the cause of action. For a claim in (medical) negligence to be successful, the plaintiff must prove that there was a duty of care between her and the person whom the claim is set, that this duty of care was breached, and that this breach caused damage to the plaintiff. Doctor/patient is an established category of duty of care, meaning this element is met. Essentially, it must be demonstrated that the doctor failed to exercise reasonable care which caused the inflammation and mental harm. A three-year statute of limitations is prescribed for filing a lawsuit for such a case. Unlike in Croatia where the occurrence of statute of limitations must be invoked

Source: Pexels.com

by the defendant, under Australian law the plaintiff simply cannot commence a cause of action if he or she is out of time.

In the *Netherlands*, all care providers must have a complaints officer to whom people can go if they have a complaint. It usually works best if people talk about their complaint with their care provider (the complaints officer can initiate dialogue). If talking about it does not solve the problem, people can take their complaint to an independent complaints commission. For most people it will be easier to go to the commission than to the courts. The commission's decision on the complaint is binding for both parties. The complaints commission can also award damages. Therefore, in a given case, the client should contact the hospital as in the Netherlands hospitals have the statutory duty to receive, investigate and resolve any complaints of patients concerning the provided care. The extent of the physical and mental pain and discomfort caused by medical negligence would then have to be further examined through the procedure to determine the proper reparation.

In the *United Kingdom*, the injured party must show their injury was caused by the negligence and that the loss or damage they suffered would not have occurred had the negligence not occurred. It is for the claimant to prove this 'on the balance of probabilities'. Consequently, our client would have the right to file a claim for compensation for the damage caused by the responsible person. The statute of limitation for medical negligence and personal injury claims is three years from the date of the alleged negligence. If successful, our client would be awarded damages, consisting of general damages (compensation for pain, suffering and effects on the day-to-day life) in accordance with the Judicial Studies Board Guidelines and previous case law, as well as special damages (funds for any financial losses, whether in the past or the future, that have happened as a result of the negligence suffered). Most of cases of medical negligence are settled before they go to a full trial. In most cases, the defence will come forward followed by an offer of financial settlement. Also, in the UK, most solicitors work on a No Win No Fee basis. Conditional Fee Arrangement between a solicitor and a claimant means that if the solicitor is unsuccessful in winning their claim, the claimant would not have to pay any of their legal fees.

Comparing individual legal systems, we can say with certainty that the above countries have the same or at least very similar legal regulations about that matter as Croatia, which tells us that patients' rights are taken seriously. Some systems, like the one in the UK are keen to settle the case outside courts. Nonetheless, in each country compared the patients are entitled to quality services from the professional practitioner and their human dignity and autonomy are respected without distinction of any kind.

Source: Pexels.com

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THE LAWFULNESS OF A DISMISSAL

MARIJA PETROŠEVIĆ

In solving its cases, the Group for the Protection of Workers' Rights often comes across the issues of clients who were not dismissed in accordance with the law. One of our clients was dismissed orally and in informal conversation by her employer. She wanted to know what her legal options were and whether she had a right to severance pay.

In Croatia, there is a prescribed list of reasons when a labour contract is terminated. The dismissal by way of notice is the most common of them. The reasons for dismissal can vary. The Labour Act distinguishes between the reasons for regular or extraordinary dismissal. An employee may terminate an employment contract within a prescribed or agreed notice period, without stating any reason for -doing so. On the other side, the employer may terminate the labour contract with the prescribed or agreed notice period, only if there is a justified reason for such decision. The list of reasons is limited, as only the mistake on the part of the worker, his or her personal inability to perform or business-related reasons (e.g. restructuring or lack of need for certain types of labour) can result in legally effective dismissal. In the case of serious breach of employment obligation, the employer and the employee are entitled to terminate the employment contract if, taking into account all the circumstances and interests of both parties, the continuation of employment is no longer possible. In the latter case, there is no need for a notice period. The dismissal, whoever gives it, must be made in written form, with the stated reasons for cancellation. Whenever the dismissal is done due to the personal and business reasons, the worker who is released is entitled to a severance pay if he or she has worked for the same employer for at least two years. The minimum statutory amount of the severance pay is one third of the salary per each year employed. The total amount usually cannot exceed the amount of six salaries.

Source: Pexels.com

In the case of our client, the employer did not act lawfully by dismissing her orally and in informal conversation, which entitled our client to act upon that fact and seek the court's protection. The right to a severance pay depends on the reason for the dismissal. If our client was responsible for the dismissal, she would not receive any severance pay. She was also acquainted with the possibility and general duty to inform the employer she was going to seek court protection, within 15 days of receiving such notice. Employer's denial or omission to address those issues would entitle our client to file a lawsuit against the employer with the proper court.

Unlike Croatian, *Austrian* law allows the dismissal (extraordinary cancellation) to be announced in written form and orally. Regarding severance pay, in Austrian law, if the employer cancels a labour contract older than three years, he has to pay severance as long as it is not an extraordinary cancellation which was caused by the employee. Also, in Austria the employee should at first seek help at the so called "business council". The time to seek redress from the local court is 14 days.

In *Belgian* law, there is also the possibility of cancellation for serious motive in case one of the parties has committed relatively serious acts and a very precise procedure is followed. In this case, no notice or compensation needs to be given. This is very similar to Croatian law. Belgian law prescribes that the form of termination can be verbal, implied, written. Moreover, notice has to be given through registered mail or served by a court bailiff and must contain certain specific mentions. So, in our case, our client would be resolved in a very similar manner as it was resolved in Croatia. Since the employer gave our client the notice verbally, instead of through registered mail or a court bailiff, he would have to pay her compensation. If our client was responsible for the dismissal, she would not get that compensation.

In this case, *Finnish* law would come to the same conclusion as did Croatian law. In Finland, it is tightly regulated how employers must act in giving notice. There has to be oral and informational conversation before termination of the employment agreement is possible. Therefore, the omission of our client's employer would be against the Finnish employment rules. Usually, the employer is obligated to pay severance despite the worker's misconduct. If the misbehaviour is extremely serious and the arguments are clear, the employer is exempt from severance pay.

French law differentiates between 2 reasons for termination of a labour contract: first, termination for economic reasons; second, termination due to a personal reason which is a worker's responsibility and can have a negative impact on severance pay. As to the second reason, the French law also recognises simple fault and serious misconduct. Regarding simple fault, the employee receives the full legal severance pay, as well as compensation for paid leave. On the other hand, when serious misconduct occurs, the employment contract is immediately terminated without notice and the employer does not pay any compensation. The dismissal must be made in written form, it must be substantiated and must be submitted to the person being dismissed.


Source: Pexels.com

In *Italian* law, a dismissal must be always done using a written form and not during an informal conversation. According to Italian law, in our case, the employer did not act lawfully by dismissing her orally and during an informal conversation. Regarding the severance pay, in Italy, the employee is entitled to severance pay also in the case of his or her misconduct. The only difference is that the employer can retain a part of the severance payment as compensation for the damage caused by the employee.

In *Germany*, when the employee behaves in an unacceptable way, dismissal needs to be preceded by a warning and an important reason must be given. In our case, a reason for an extraordinary dismissal was not given, therefore, the employer could not terminate the contract in that way under German law. The form of termination is always in writing. It also must be delivered by mail or in person. A severance pay is only given, if the worker has worked longer than 6 months at the company. If the termination was because of the employee's misconduct, there is no right to severance pay.

According to *Scottish* law, our client has not been properly informed about her termination. We learned that the form of the redress is somewhat different than in other countries. In Scotland, our client could apply to the special employee tribunal and claim compensation as her employer has breached the Acas code (Advisory, Conciliation and Arbitration Service).

In *Spain*, a verbal dismissal does not comply with the requirements established by the law. The notice has to be written, it must contain the reasons for the dismissal and the date on which this dismissal will take effect. Thus, verbal dismissal is not valid and could be declared unfair. Our Spanish colleagues emphasized that an employee is entitled to damages if the dismissal is inappropriate or objective. In the case of dismissal due to employee's misconduct, the client is not entitled to severance pay.

Swedish law prescribes that extraordinary dismissal is only allowed when the employee has been severely negligent or harmed the employer intentionally. Crime or dishonest conduct directed at the employer is also an allowed basis

Source: Pexels.com

for dismissal. However, the employer can argue circumstances that the employee has known for less than two months, and the employee has to be noted so that they can change their behaviour. The notice must be in written form and information about how to appeal the decision needs to be on the notice. If the dismissal is justified, it may happen that the employee is not entitled to a severance pay.

We can conclude that our client would get very similar advice in practically every country that was described in our comparative analysis. Regarding extraordinary dismissal and notice, there are no major differences in legal solutions in most of the European countries. The difference is seen mostly in the case of the right to severance pay and some minor differences exist in the steps the employee must take when their rights are infringed.

Source: Pexels.com

Other Activities and Partnerships

Source: Klinika.pravo.hr


PRAVNA KLINIKA
ZAGREB

POST–EARTHQUAKE RECONSTRUCTION

BERNARD MARKUŠIĆ

During 2020, the European Union faced the destructive power of natural phenomena that led to the destruction of real estate and human death. In addition to significant events such as the floods in Germany and the tornado in the Czech Republic, two devastating earthquakes occurred in Croatia. The focus of this article is the Croatian experience in the process of repairing damage after a catastrophe within the framework of legal regulation.

The earthquake in Zagreb and its surroundings occurred on 22 March 2020 at 6 hours and 24 minutes and had a magnitude of M = 5.5 on the Richter scale. Another earthquake occurred at 7 hours and 1 minute and had a magnitude of M = 5.0 on the Richter scale. Most of the buildings older than 100 years in the centre of the City of Zagreb have been significantly damaged, and some buildings that do not have the significance of architectural heritage will have to be demolished because the restoration of such a weak structure is not cost-effective. On 28 and 29 December 2020, the Republic of Croatia was hit by new strong earthquakes, the strongest of which was magnitude 6.2 on the Richter scale with the epicentre near the City of Petrinja. The earthquake was felt throughout Croatia and in the surrounding countries, and the highest intensity was estimated to be VIII - IX (eight to nine) degrees of the EMS scale.

THE LAW ON RECONSTRUCTION

In response to the catastrophic damage that occurred in the Sisak-Moslavina and Karlovac Counties after the earthquake of 28 and 29 December 2020, especially taking into account the fact that a large part of the population in the affected areas lost their homes, the Act on Amendments to the Act on Reconstruction of Earthquake-Damaged Buildings in the City of Zagreb, Krapina-Zagorje

Source: Klinika.pravo.hr

County, Zagreb County, Sisak-Moslavina County and Karlovac County (Official Gazette, No. 10/21) was adopted, expanding the scope of the first version of the Act adopted for the needs of the reconstruction of the Croatian and covering all affected regions of Croatia.

According to the Act, organised reconstruction has the primary and short-term goal of securing the health and lives of people who use damaged buildings or are in their vicinity, as well as preventing further damage, and the secondary or long-term goal of complete renovation of buildings and urban renewal. Zagreb County, Krapina-Zagorje County and Sisak-Moslavina and Karlovac Counties.

MODELS OF RECONSTRUCTION ACCORDING TO THE ACT ON THE RECONSTRUCTION

According to the Act on the Reconstruction, damaged buildings, depending on their purpose and degree of damage, are restored in the following ways:

- repair of non-structural elements,
- repair of the structure,
- reinforcement of the structure,
- complete renovation of the structure and
- complete renovation of the building.

In the short period after the earthquake, the expert services classified the damaged buildings according to 6 types of stickers depending on their safety and the degree of damage to the structural elements. The mildest damage is marked with green U1 and U2 level labels. Medium damage is indicated by yellow stickers PN1 and PN2. The most severely damaged buildings as well as extremely dangerous to human life are marked N1 and N2.

THE REPAIR OF NON–STRUCTURAL ELEMENTS

The repair of non-structural elements is carried out through financial assistance for the temporary protection of the building, and this right can be used by all property owners, regardless of the registered residence or colour of the label (except the green U1 label). The owner of the damaged building is entitled to financial assistance for eligible costs that he had or has for:

1. the necessary temporary protection of the building from the weather and the removal and retention of dangerous parts of the building that could or may endanger human life or health,

Source: Klinika.pravo.hr

2. repair or chimney replacement,
3. repair or replacement of the gable wall,
4. repair of the staircase and
5. repair of the elevator.

The cap for the reimbursement is set to a maximum of HRK 16,000.00 (EUR 2,130) per special part of a family house, residential-business building, apartment building or business building (residential and / or business part), or HRK 25,000.00 (EUR 3328) per family house if there are no more special parts.

FREE REMOVAL OF DANGEROUS REAL ESTATE

Owners of buildings that have been assigned to the N1 or N2 damage category (the so-called red stickers) additionally have the right to free removal of the building and, if a special condition is met, to the free construction of a new family house. Buildings that have lost their mechanical resistance and stability to the extent that they have collapsed or that their restoration is not possible are removed at the expense of the state budget of the Republic of Croatia.

CONSTRUCTION OF A NEW FAMILY HOUSE

A new family house is built when a destroyed family house in which the owner or relative of the owner lived at the time of the accident and in which the owner or relative of the owner had a registered residence or domicile was removed based on the Act on the Reconstruction. A new family house can be built if the owner of the removed house in the area of that county was not the owner of another habitable house or apartment on the day of the earthquake. The size of a new family home depends on the number of people who lived in it and had a registered residence or domicile at the time of the earthquake.

Source: Klinika.pravo.hr

FOUR MODELS OF THE RECONSTRUCTION

Repair of the structure, reinforcement of the structure, complete renovation of the structure, i. e. complete renovation of the building are three models of so-called real estate reconstruction. It is possible to select only one of the listed models if the conditions are met, i.e. if the building is assigned to the PN or N category (yellow or red label).

The Republic of Croatia fully covers the costs for the / fully finances the construction renovation of family houses, business, residential-commercial and apartment buildings and the construction of new family houses in areas of regional self-government units for which the Government of Croatia declares a catastrophe in terms of the law governing the civil protection system. The cited provision refers to one building or a special part of a building for one property of a certain owner that was owned on 22 March 2020 and 28 and 29 December 2020, and whose owner or relative of the owner lived in that property and in which the owner or relative of the owner had a registered permanent or temporary residence.

Real estate in the area of the City of Zagreb and other counties where no disaster has been declared is co-financed 80% by the state and 20% by the owners. Relatives are the owner's blood relatives in the direct line, spouse, extramarital partner, life partner or informal life partner, adoptive parent or adoptee.

The fourth model is self-renovation, according to which the owner independently renovates the property, and the state reimburses him the amount of eligible costs.

If the property is considered an individual cultural asset or part of the old town, the renewal mode is a little different. Damaged apartment buildings, office buildings, residential and commercial buildings and family houses that are individually protected cultural property are restored by complete renovation of the building, except for their special parts (apartments, business premises and other special parts of the building) in which no final construction works are performed.

DIFFICULTIES IN IMPLEMENTING THE LAW AND NEW AMENDMENTS TO THE LAW ON RECONSTRUCTION

The biggest obstacle to the reconstruction of damaged real estate was the minimum conditions for the legality of real estate., Especially in the area


Source: Klinika.pravo.hr


Source: Klinika.pravo.hr

for which the disaster was declared, the majority of real estate has an unclear or unresolved ownership structure. Also, many of the buildings were not legal, that is, they did not exist according to the laws of the Republic of Croatia. This resulted in the amendments to the Reconstruction Act in October 2021. According to the new legal text, proving the legality of real estate is no longer necessary. For future proceedings, it will suffice that the property was damaged and that the owner or their relative lived at that address. The reason for such a drastic relaxation of the criteria is the separation of the renewal procedure from the procedure of regulating the land registry. In the year since the enactment of the Act, many citizens were faced with another issue - regulating the ownership status as a condition for the reconstruction to be started in the first place. With this in mind, it is not surprising that in the year of renovation, only 700 repairs of non-constructive elements were performed, and 500 buildings were removed. The question of legality is left to future times because that is the only way that the restoration will not take a decade.

The new law also resolved the issue of removing life-threatening buildings. In practice, it happened that part of a building threatening passers-by and neighbouring buildings could not be removed due to lack of consent. In line with the protection of the institute of ownership, it is not a strange provision that requires 100% consent of the co-ownership community in order to remove the building . Sometimes due to the impossibility of determining the owner, and sometimes due to the partial interests of individual co-owners, it was not possible to obtain the removal of such real estate. Considering the wider social benefit, the possibility of removing such real estate ex officio, i.e. according to the assessment of the authorized construction inspector, was introduced. Such a solution is good not only for speeding up the renovation process but also for protecting the lives of people as well as the property of other owners.

The last major change relates to the renovation model that primarily affects apartment buildings. It solves a financial problem and relates primarily to self-renovation, although to a certain extent these consequences are felt by the co-owners who enter into the repair of the structure. The state of reserves of apartment buildings in the area of Sisak, Petrinja and Banovina is not even close to the state of reserves of apartment buildings in the area of the city of Zagreb. Reserves are mostly at zero or were in the red even before the earthquake. The socio-economic picture of this area is mainly the elderly population living on small reserves or social assistance. In order to enter the structural renovation, apartment buildings must raise loans under currently unfavourable conditions. Ideally, co-owners of such properties can count on a refund of the principal, but they still must pay interest. With this in mind, there may be situations in which co-owners are therefore recognised only 60% - 70% of the cost of structural renovation, which means that of the already mentioned amount of HRK 750.00, co-owners at the end of the implementation remain indebted to the bank HRK 350,000. The co-owners are considering this problem for those buildings that did not submit the request, did not submit it primarily for this reason because the co-owners are aware that they cannot financially withstand it and in the long run, prefer to live in unsafe facilities rather than lose such real estate in enforcement proceedings. In response to this question, pre-financing of the renovation of buildings was made possible, whereby the state took over the payment of the construction bills directly, and removed the element of financial insecurity for the citizens.

THE REACTION OF THE LAW CLINIC ZAGREB

The Law Clinic was actively involved in providing legal assistance to the victims of the earthquake in the area of Sisak, Glina and the surrounding area. We were aware that many of our fellow citizens do not have access to basic infrastructure, let alone mobile devices and an Internet connection, the Law Clinic has established a separate *ad hoc* group that will help clients complete forms and report damages in a timely manner, but also provide other basic legal information relating to the consequences of the earthquake. Just a week after the devastating earthquake, on Thursday, 4 February 2021, our clinicians were in a housing container at the City Administration in Glina. In the period from 9 am to 1 pm, they assisted citizens in filling out forms for exercising the right to a one-time compensation due to a natural disaster and filled out forms for reporting damage in the application. At the same time, the citizens who were not aware of this were informed about the exemption

from paying electricity costs to HEP and the fee to the national television (HRT). The citizens who visited our clinicians most often asked questions about the expected start of the reconstruction of damaged houses. Several inquiries were received that could not be resolved on the spot, but our clinicians will resolve them and contact the citizens to answer them.

During this visit, Monday was agreed as a permanent date for the arrival of the Law Clinic and the pro bono legal aid in Glina. On that day, the clinicians gave a statement to the journalists of HRT and Radio Banovina. On their way to Zagreb, the clinicians visited one of our clients at her home in Greda, to photograph the documentation we need to resolve the case.

We visited Petrinja for the first time on 10 February 2021. Upon arriving in Petrinja, our clinicians appeared as guests on the show "Croatian Radio for Banovina". This was important because we knew that there were a large number of people who still did not use the Internet. The clinicians then headed to Voćarska Street, where the Red Cross tent was located. The clinicians spent most of their time handing out the flyers to the citizens. A large number of flyers were left in the Red Cross container, where people come to submit a request for compensation, as well as in the tent in Vatrogasna Street, where food is distributed to the citizens of Petrinja.

The clinicians noticed that most of the citizens had several questions and that very often they were not even familiar with some basic information. That is why the clinicians gave a flyer of the Law Clinic with useful numbers and information about their rights to everyone who visited them, and, as previously stated, helped a lot of people who were affected by this natural disaster.

After the Law on Reconstruction was passed in the Parliament, the Law Clinic signed two partnership agreements, one with the Reconstruction Fund and the second one with the Ministry of Physical Planning, Construction and State Assets. The goal of both partnerships has been to inform the citizens about the right to reconstruction and the procedure to obtain that right. In cooperation with those two partners, responsible for the reconstruction, the Law Clinic regularly provides such information in Zagreb and occasionally in the Sisak region as well. This once again showed how the Law Clinic responds to the great social needs of its time.

Source: Klinika.pravo.hr

BROWN MOSTEN INTERNATIONAL CLIENT CONSULTATION COMPETITION

FRAN ALFIREVIĆ

The Brown Mosten International Client Consultation Competion is an international competition, started in 1969 by Louis Brown, in which law students compete in client consultation. The competition is endorsed by the American bar association since 1972 and has attracted international competitors since 1985. The competition was named after Louis Brown and Forrest Mosten, one of the more esteemed members of the ABA and an individual who has, through 25 years of chairing the ICCC, immensely contributed to the recognition and development of this competition.

Through the years, the ICCC established itself as one of the more renowned and prestigious simulation competitions internationally, attracting competitors from Australia, Bangladesh, Belgium, Cambodia, Canada, China, Croatia, England and Wales, Finland, Georgia, Germany, Hong Kong, India, Indonesia, Iran, Irish Republic, Jamaica, Kenya, Malaysia, Mexico, Netherlands, New Zealand, Nigeria, Northern Ireland, Poland, Puerto Rico, Russia, Scotland, Sri Lanka, Switzerland, Turkey, Ukraine and the United States. Aside from law students, the competition gathers distinguished academia and legal practitioners around the globe to participate in the competition as judges or mentors for the competitors.

FORM OF THE COMPETITION

The competitors participate in the competition in pairs where each pair of competitors has several 45-minute interviews with different clients, the goal being to conduct the interview in predetermined phases and in the end, if possible, offer the client legal advice based on the laws of the competitors home countries.

Source: Klinika.pravo.hr

Each interview should have the same structure:

INTRODUCTION

Competitors need to establish a professional relationship with the client; introduce themselves, exchange information relevant for business, explain some specifics of communication with a lawyer such as confidentiality and conflict of interest and finally explain the structure of their fees. Generally, they should establish a pleasant environment and confidential relationship with the client while still keeping everything on a professional level.

FACT FINDING

Lay persons usually don't know which facts are relevant for solving their case. Some clients are mistrustful and are hesitant to reveal any information, while others can be so talkative that the dialogue turns into a monologue, taking control over the interview away from the competitors. The competitors' mission is to control the course of the conversation and gather all important information with precise questions, being as efficient as possible. In doing so they should be careful not to put words into the clients' mouth and also not to make conclusions without first verifying with the client.

SUMMARY

As the name itself states, at this phase of the interview, competitors need to summarize the results of the previous phase in a few key sentences to form the basic facts of the case, as well as reiterate with the client in order to be sure all the key facts are in order.

GOALS

Based on the summarized key facts, the competitors should communicate with the client in order for them to clearly formulate their goals and desired outcomes, thereby trying not to alter the client's wishes in order to fit into the ideas of the competitors.

LEGAL ANALYSIS AND LEGAL ADVICE

After determining the client's goals, competitors should offer a general legal analysis of the given situation and, for the sake of the client, elabo-

Source: Klinika.pravo.hr

rate on the legal specifics of what has already transpired. When analysing a client's legal situation, competitors must focus on all aspects, not only the client's express wishes, but also those circumstances the client might not be aware of, yet are relevant. Thereafter, competitors should offer several legal avenues the client could pursue in order to achieve their goal and carefully explain all the pros and cons of any given option, thereby being objective and allowing the client to choose the approach which would most suit their needs. Competitors should offer only realistic advice and inform the client in case that their goal cannot be achieved by any legal means, regardless of the fact that a particular client might not be satisfied with such an outcome.

DEVELOPING REASONED COURSES OF ACTION

Continuing from the offered legal advice, competitors should help the client make an informed choice about pursuing a certain legal avenue which best suits their needs and desired outcome. The decision of which option to pursue is not upon the competitors, but upon the client himself, while the competitors should make clear all the consequences of pursuing each option.

EFFECTIVELY CONCLUDING THE INTERVIEW

If and when the client decides to pursue a certain option, the competitors should inform the client about the necessary steps to be taken in order to bring the chosen plan to fruition and manage the client's expectations about the future engagement of both the lawyers and the client in resolving the issue. The competitors should not force the client to retain their services, especially in cases where such an engagement and expenses would not be justifiable but offer the client their expertise where it is required. After ironing out any necessary details, the interview is concluded and the client is escorted out of the office.

Source: Klinika.pravo.hr

POST INTERVIEW REFLECTION

When they have concluded the interview, the competitors should briefly, between themselves, reflect upon what was had been said, the client and the suggested legal options. If applicable, they could start discussing the division of the workload and thereafter conclude the interview in a professional yet friendly manner.

MY EXPERIENCE IN BROWN–MOSTEN ICCC 2019

My teammate Anja Vručina and I have participated as a contestant at the last pre-COVID ICCC in Dublin from 3 to 7 April 2019. The topic of that year's competition was criminal law: theft, embezzlement, and robbery. All in all, there were 20 teams competing and our team finished at 12th place. As with every simulation competition, the preparations were long and intense and the decision on which team would represent the Faculty of Law in Zagreb internationally was made based on a final national competition which was preceded by two rounds of elimination in the months leading up to the national finals. All participants were prepared for the competition and guided through teaching the various skills by assistant Juraj Brozović who inaugurated the ICCC at the Faculty of Law in Zagreb and is the Croatian representative in the ICCC board, with great help from the previous year's competitor and semi-finalist, Suzana Poljak.

Competing at, and preparing for, the ICCC has been a tremendous experience. The goal of the competition itself is to give law students the ability to learn the skill of conducting an interview with a real-life client, something almost all of them will apply later in their professional career, as well as in their personal life, yet also something that almost none of them have the possibility to learn as part of the regular curriculum in their legal education.

Conducting interviews with lay people and gathering relevant information from them is a task that easily escapes the average student, a soft skill which usually requires extensive years of practical experience in the legal profession, where it's often the case that no clear structure is ever put in place. I, personally, feel that I have benefited a great deal from preparing for and participating in the ICCC. The benefit of learning a clear structure and practicing conducting a structured interview with a client has best presented itself through volunteering in the Law Clinic Zagreb, where I had been a student mentor at the time of participating in the ICCC. By that time, I had already had some experience with conducting interviews with the clinics clients but had not learned it as a separate skill. After participating in the ICCC, I felt that subsequent interviews with clients at the law clinic were much more easily conducted and to greater effect, leaving both myself and the clients more satisfied with the experience.

Additionally, the experience of the ICCC in itself was an unexpected added benefit. Since the structure of the competition where one conducts, at most, three 45 minute interviews leaves room for both preparing for the next day's interview and some spare time, the organisers of the competition in Dublin put a great deal of effort into providing the competitors with enough activities to get to know the host town, as well as introduce themselves to fellow colleagues all around the globe, providing them with an opportunity to network with both students, seasoned practitioners and distinguished law professors.

All in all, preparing for and, possibly, competing in the ICCC has my most sincere recommendation and is a great opportunity for law students to learn a skill set which they will most probably need later in their career, yet which will be hard to come by in any other way.

Source: Pexels.com

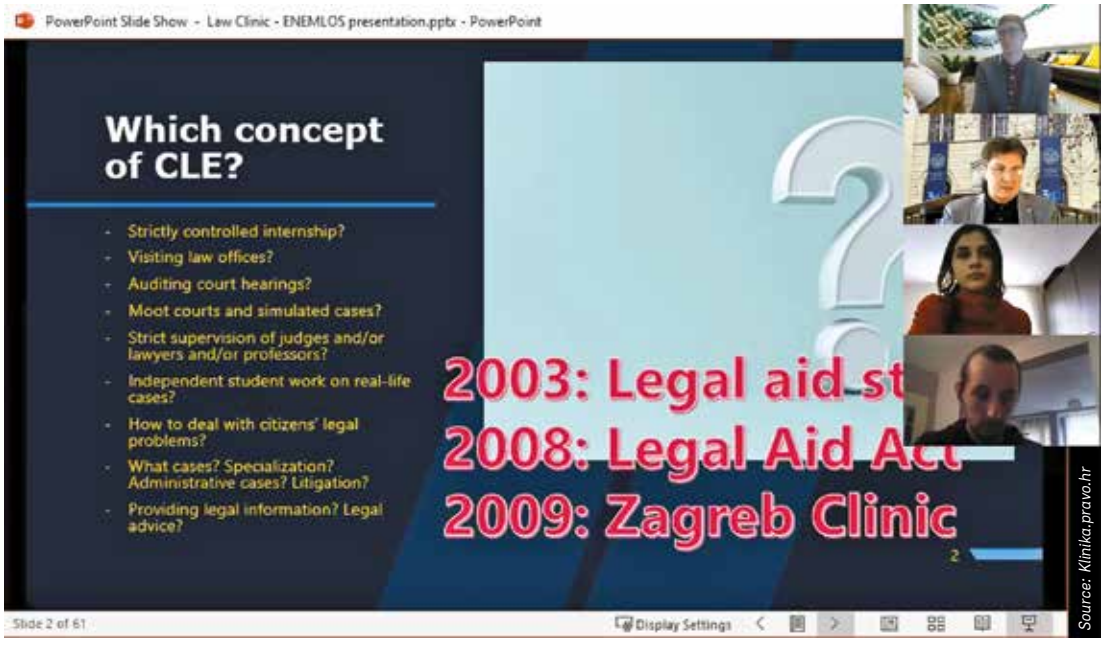
INTERNATIONAL PROJECTS: LEGAL CLINICS IN SERVICE OF VULNERABLE GROUPS– ENHANCING THE EMPLOYABILITY OF LAW STUDENTS THROUGH PRACTICAL EDUCATION (ENEMLOS)

MARTA ĆURIĆ

ENEMLOS is one of the many projects our Law Clinic Zagreb has had the opportunity to participate in. It was co-funded by the Erasmus+ Programme of the European union. Partners taking part in the project are the University of Zagreb, the University of Montenegro, the Regent's University London, the University of Prishtina, the "Kadri Zeka" University of Gjilan, the Legal Clinics Foundation in Warsaw, the Bar Association of Montenegro, the Basic Court Gjilan, the Notary Chamber of Montenegro and the Chamber of Public Executives of Montenegro. The main goal of the project is to create legal clinics that would allow students to practice law during their studies, which is the best way for them to improve their skills. Another goal is to implement the most advanced methods in clinical practical education. These goals would ultimately lead to an improvement of employability of graduate law students.

Co-funded by the Erasmus+ Programme of the European Union

Since the Law Clinic Zagreb has been around for ten years already and considering that there have been more than 15 000 cases solved during its existence, it is certain that professors and students included in its work had a lot of tips and tricks to share with interested parties. In December of 2020, students participated in meetings and shared their experience of working with clients, the benefits of volunteering in such activities, all the challenges of working with difficult clients and ways of coping with them. They shared their thoughts on what is good and what could be done better, but everyone agreed that working in



Source: Klinika.pravo.hr

the Law Clinic Zagreb truly has been an amazing experience and an investment in their future. There were many questions asked about the statistics, about the data protection and the overall organisation of the Clinic. However, students were also asked what they would add if they could and would practice in law firms and at courts, combined with the one in clinics help them understand the clients even more and help them solve complicated cases. The students and the professors also put on a funny yet interesting and helpful simulated interview, through which they demonstrated how an interview with a client looks like and what the main troubles of talking to clients about their legal issues are. The students from other universities had the opportunity to watch it online in their classrooms. Throughout the show, the students emphasised that their clients are just people who have been misfortunate enough to be in a tough position and don't know how to correctly explain what their problems are. Because they are often consumed by their issues, they tend to be very stressed and scared, which is why it's important for the volunteers to stay calm and understand everything the client cannot put into words. By continuously talking to clients, students improve their skills, which leads to them being not only more confident but also ready for the job once they finish their studies. During this simulated interview, all the professors and other experts in the field, as well as the students, got a glimpse of what they could expect in the future after they set the foundations of their legal clinics. The students then explained the benefits of writing legal opinions and how it helps them to know how to search through endless pages of statutes, regulations, books and jurisprudence and how beneficial it is for them to study those subjects later and how it helps them understand what they had learned in the past. One of the main benefits of writing legal opinions is also the fact that it is mandatory to write them in a way that their clients understand, so it is important not to make the legal opinions too complicated. By doing so repeatedly, the students become faster at finding solutions to the problems and learn how to explain complex issues to their clients in a way that is much simpler and understandable.

Finally, through the participation in meetings and workshops, the students and the professors who volunteer at the Law Clinic Zagreb had the opportunity to share their knowledge. This way, they certainly contributed to the creation of the new generations of legal clinics and the creation of a suitable model. Also, they had the opportunity to meet new people, learn something new and to connect to other providers of the legal help – the existing and the future ones – to create a community beneficial for both the experts and the students on the one and the clients on the other side.

Source: Pexels.com

PARTNER LAW CLINICS IN CROATIA

MARIJA PETROŠEVIĆ

There are a total of five law clinics at Croatian universities. Three of them were established by using our concept of clinical legal education as their inspiration: Osijek Pro bono (Faculty of law, University of Osijek), Law Clinic of the Faculty of Law, University of Split and Law Clinic of the Faculty of Law, University of Rijeka. We asked them to provide us with the basic information on the clinical programmes at their universities and also to explain how they recently adapted to the pandemic. Below is the result of our short query:

HOW HAS LAST YEAR'S LOCKDOWN AND THE COVID–19 PANDEMIC CHANGED YOUR WORK?

Osijek: The COVID-19 pandemic has changed a lot of things because switching to online classes and meetings has led to a situation in which we could not meet our clients in person. As you probably know, direct, in-person communication with the clients represents one important feature of clinical work, so immediately after the lock-

QUICK FIGURES		
Osijek	**Split**	**Rijeka**
Year of establishment		
2015 (active from 2016)	2009 (active from 2015)	2021
Number of students involved in the last semester		
30	34	60
Number of clients in per semester		
70 - 100	17	20 - 30
Territory covered		
Mostly the Osijek region, but generally all parts of Croatia	Dalmatia Region (Zadar, Šibenik, Split, Dubrovnik)	Rijeka region (so far)
Speed of case processing		
14 days	Varies depending on the complexity and importance of the case	Varies depending on the complexity and importance of the case

down was lifted, we started working from our central unit, which is conveniently located close to the main town square outside of our Law School building.

Rijeka: Due to the COVID-19 pandemic, we mostly receive user requests by phone or email. Only when we determine that a person meets the requirements of the Free Legal Aid Act do we schedule a meeting with them, if they are able to come to our premises. So, all the actions that can be performed by phone or online are performed in this way.

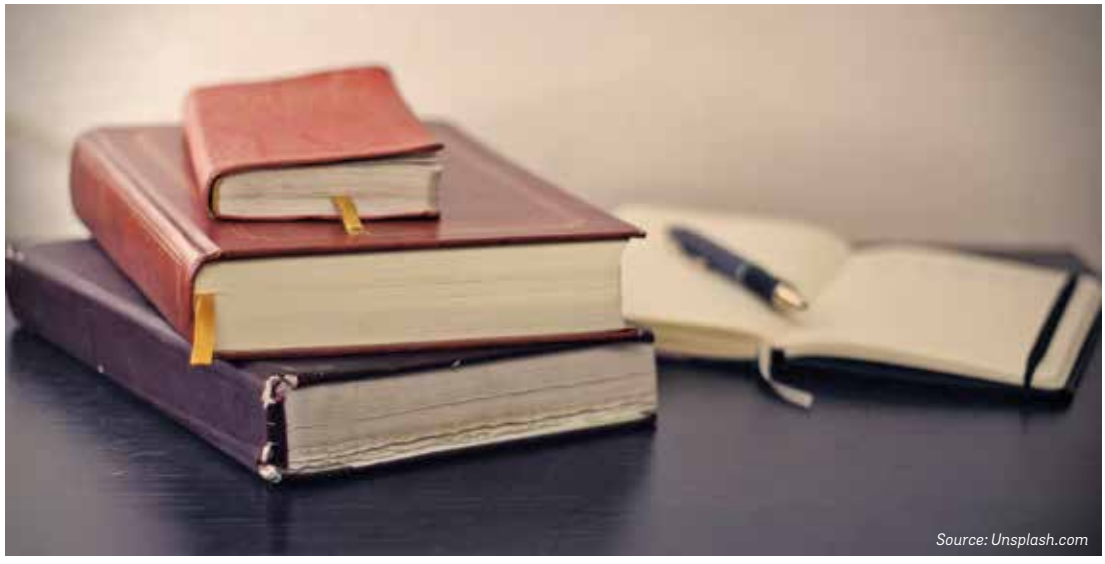
Split: The COVID-19 epidemic has negatively affected our work, as the Clinic was closed for clients for one semester. Cases were then received only via electronic communication. During the following two semesters, the Clinic was open only one day a week. As of this semester, we have gone back to usual working hours.

What message do you have for students who are considering joining some of the clinical programmes available at Croatian law faculties?

Osijek: Having one fully fledged law clinic organised within the law school is important for many reasons. From the students' perspective, the educational component stands out as the most prominent, but we should also bear in mind that law clinics are supposed to actively contribute to the legal aid system. We often say that law schools must be accountable to the public because the funds for their operation come from taxpayer money and the best way to be accountable is to help the legal aid system to efficiently respond to the citizens' needs.

Rijeka: At the Legal Clinic, students partake in a professional internship by providing free primary legal aid under the supervision of professional associates and teacher-mentors in accordance with the Free Legal Aid Act. Professional practice is provided in direct contact and through individual conversation with users. In this way, students prepare for the world of work by learning through concrete and real cases and acquire new knowledge and competencies (work-based learning). All the theoretical knowledge that students have acquired during their university education can be applied in contact with the parties and in writing legal opinions, which is how social skills are developed, as well as the skill of legal argumentation. Additionally, students help socially disadvantaged members of our society. In this way, the social component of the Legal Clinic is realised.

Split: The main goal of the Clinic, apart from dealing with cases, is to better equip student volunteers for what they will be doing once they have completed their studies, so if you want to get a glimpse of what it really means to practise law and learn something new, join us.



Source: Unsplash.com

Source: Klinika.pravo.hr

The First Generation (Winter 2010)

Source: Klinika.pravo.hr

A Glimpse of the Current Generation (Winter 2021)