



Criteria and Minimum Standards for Establishing and Developing Legal Clinics within Higher Educational Institutions

**ABA/CEELI-Armenia
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Criteria and Minimum Standards for Establishing and Developing Legal Clinics within Higher Educational Institutions

Introduction

This document sets out criteria and minimum standards for establishing and developing Legal Clinics using the methodology developed by the Armenian Representative Office of the American Bar Association’s Central European and Eurasian Law Initiative (hereinafter “ABA/CEELI-Armenia”)ⁱ. The methodology and criteria set forth herein were developed in the spirit of collaboration toward supporting the rule of law, in particular the promotion of legal education in Armenia. This document is developed specifically for the legal education system in the Republic of Armenia and within its legislative framework; therefore, some provisions might not be relevant for Higher Educational Institutions operating in different countries.

These criteria and standards are intended as minimum requirements for establishing a Legal Clinic with strong guarantees for sustainable development. This document contains only criteria and standards and does not fully describe the expert and material support provided by the Legal Education Teamⁱⁱ of ABA/CEELI-Armenia’s Legal Clinic Project, which is based on the individual needs of the Legal Clinics.

These criteria and minimum standards are informative in character and are primarily designed to enable Higher Educational Institutionsⁱⁱⁱ (hereinafter “Institutions”), including lawyers, advocates, legal service providers, law students, and others involved in the protection of human rights to identify the criteria and standards that ABA/CEELI-Armenia has developed and follows when supporting Institutions to establish and to develop Legal Clinics.

I. LEGAL ASSISTANCE IN ARMENIA

1.1. The Law and the Practice

1.1.1. The Constitution of the Republic of Armenia set forth that everyone is entitled to receive legal assistance. Legal assistance may be provided free of charge in cases prescribed for by law^{iv}.

In civil proceeding, as prescribed by the Civil Procedural Code of the Republic of Armenia, any citizen who possesses an appropriately formalized authority to conduct the case in the courts can do a representation before the court in civil cases^v. The Code defines the procedures on the stipulation of the authority for different representatives, such as legal firms and others. The authority of a lawyer is certified in accordance with procedure established by law^{vi}. The persons authorized in accordance with the procedure defined by the Civil Code, including advocates, can be representatives of the participants of **Administrative^{vii} and Economic^{viii} court proceedings**. The State ensures free legal assistance in cases on a) levying alimony and b) cases on compensation for losses incurred upon mutilation or other types of damage to health or upon death of breadwinner of the family as prescribed by the Law on Advocacy^{ix}. There are no specific admissibility criteria except for the nature of the civil cases. The legal aid for these cases

is provided by public defender *ex officio* assigned by the Chamber of Advocates in accordance with the Law of the Republic of Armenia on Advocates Activities^x and other relevant legal acts.

In Criminal proceedings, as prescribed by the Code of Criminal Procedure and the Law on Advocacy free legal assistance shall be provided in the cases defined in the Code of Criminal Procedure^{xi}, which among other cases, include cases when the suspect or the accused expressed such a wish or the or the accused are under disability and etc. In the cases defined by Code of Criminal Procedure legal aid shall be covered by the State, following the procedure set forth in the Law on Advocacy^{xii}. According to the Code of Criminal Procedure and the Law on Advocacy, only an advocate^{xiii} shall have the rights to exercise court representation or *defense in criminal cases*, as an entrepreneurial activity.

1.2. Legal Clinics and the Legal Assistance in Armenia

1.2.1. In Armenia Legal Clinics may provide free of charge legal assistance in the following areas:

- a) Interviewing;
- b) Consultation, including consulting clients on their rights, freedoms and obligations;
- c) Studying documents and preparing documents of legal nature, such as official letters, applications, appeals and etc;
- d) Representation before state and other authorities;
- e) Court representation in civil proceedings;
- f) Other activities prescribed by the Charters and other relevant regulatory documents of Legal Clinics (hereinafter “legal assistance” and/or “advice”).

1.2.2. The free of charge legal assistance and/or advice provided by the Legal Clinics of Armenia, that are established and working based on the present Minimum Standards are not intended to replace the activities of public defenders defined above. Legal Clinics of Armenia shall not provide legal aid to those clients who are *ex officio* entitled to free legal aid to be provided by an advocate assigned by the Chamber of Advocates of the Republic of Armenia.

1.2.3. All Legal Clinics described in this Minimum Standards shall work with “real” clients i.e. provide legal assistance and/or advice to selected “persons”^{xiv} who meet the admissibility criteria^{xv} of the Legal Clinic and cannot afford to pay for the legal services. Other types of Legal Clinics, such as “simulative” Legal Clinics, where students practice based on hypothetical cases, are not regulated by the criteria and standards in this document.

II. METHODOLOGY OF THE LEGAL CLINICAL PROJECT OF ABA/CEELI-ARMENIA

2.1. Outline of the Methodology

2.1.1. The Legal Clinic Project (“Project”) implemented by ABA/CEELI-Armenia has the following structure:

- a) The pilot phase of the Project lasts for at least seven months with Institutions that have been selected based on Concept Papers submitted to ABA/CEELI-Armenia. The content requirements for Concept Papers and the evaluation criteria are attached (*See attachment A.*) The pilot phase of the Project consists of the activities described below, which are implemented by the Legal Clinic within the timeframes specified.
- b) Minimum two months for developing necessary programmatic^{xvi} and management-related documents^{xvii} for operating a Legal Clinic. ABA/CEELI provides training and seminars for the staff members of the Legal Clinic on the specifics of Legal Clinical education, manual development, interactive teaching methods and other relevant skills;
- c) Minimum two months for implementing trainings for students using interactive teaching methods widely accepted in Legal Clinical education;
- d) Minimum two months for providing all students of the Legal Clinic an opportunity to accept clients and handle cases, including intertwining and consulting clients;
- e) Minimum one month to complete the evaluation of the pilot phase of the Project. ABA/CEELI-Armenia conducts an overall monitoring and evaluation of the pilot phase. The Legal Clinic is also responsible for conducting ongoing and final internal evaluations. The results of the final evaluation are critical to deciding whether to continue the activities of the Legal Clinic, i.e. to start the main phase of the Project. As a result, ABA/CEELI-Armenia provides recommendations on further implementation of the Project.

2.1.2. During the pilot phase of the Project, the Legal Clinic shall not directly conduct any financial transactions or activities within the frame of the Advocacy Sub-Grant Agreement concluded with ABA/CEELI and shall not bear any financial responsibilities. The Institution, ABA/CEELI, or any other person making an investment in or providing material or financial input to the Legal Clinic during the pilot phase is responsible for making the transactions. Only after such transactions made by the donors or other organizations may items purchased be transferred to the Legal Clinic.

2.1.3. During the implementation of the pilot phase of the Project, the Legal Team of ABA/CEELI-Armenia shall provide expert and technical support to the Legal Clinic and

shall conduct overall monitoring and evaluation. The ABA/CEELI-Armenia Action Plan for the pilot phase of the Legal Clinic Project is attached (*See attachment B*).

2.1.4. The main phase of the Project shall be initiated only after the pilot phase is evaluated and assessed as a “success.” To continue to the main phase, the Project must meet the requirements and standards set forth below.

2.2.The Legal and Organizational Structure of Legal Clinics

2.2.1. Legal Clinics with the following legal-organizational types and structures may be established within the framework of the methodology used by ABA/CEELI-Armenia:

- a) *Legal Clinics existing as a “unit” of an Institution or of a legal or other department of an Institution^{xviii}*. Such units may have the status of a laboratory, a department, or another appropriate status. The Legal Clinics may have bank account numbers^{xix} separate from the account number of the Institution, a stamp, and other components for ensuring their financial independence and sustainability.
- b) *Legal Clinics that are established by an Institution and either have 1) the status of a legal person or 2) are organizations not having the status of a legal person for securing the legal educational needs and promoting the legal educational mechanisms of the Institution*. The most suitable legal status for the Legal Clinic in this case will be the status of an *institution^{xx}* or a *foundation^{xxi}*, both of which should be established by the Institution itself. A Legal Clinic may also be established as a *non-commercial organization* within this methodology^{xxii}. In the case that the Legal Clinic is registered as a non-commercial organization, the Rector of the Institution shall be one of its founders and the main aim of the non-commercial organization shall be the improvement of legal education at the Institution by means of establishing a Legal Clinic. After the registration of the non-commercial organization, the Institution should conclude an agreement with the Legal Clinic which will be the basis for sending the students of the Institution to the Legal Clinic to practice their lawyering skills. In this way, the Institution will ensure that the students receive credits for them.
- c) *Legal Clinics that are established by more than one institution and/or organization^{xxiii}*. These Legal Clinics may have the status of a *Union of Legal Entities* or a *Foundation*. The *Union of Legal Entities* or the *Foundation* should be established solely for promoting legal education and providing legal support to vulnerable members of the population. Legal Clinics should serve the students of the Institutions that founded that particular Legal Clinic unless the founding Instructions or Organizations pass a decision to serve students from other Institutions as well.
- d) *Legal Clinics which have one of the above-described structures and which are mobile*. The status of a Branch^{xxiv} of an Institution is particularly suitable for Mobile

Legal Clinics. In this case, the Institution itself shall have a Legal Clinic by establishing a branch, i.e. a mobile Legal Clinic in the selected area.

- 2.2.2. Legal Clinical education provided by the Legal Clinics described in paragraph 2.1 should be incorporated into the legal curriculum of the Institution as a “Legal Clinical Educational Program”, which should be an elective course or other type of special or other course allowed by the legislative framework of the Republic of Armenia and the Charter of the Institution.

III. CRITERIA AND MINIMUM STANDARDS FOR ESTABLISHING A LEGAL CLINIC

3.1. Minimum Programmatic Requirements

- 3.1.1. The Legal Clinic should have the following goals:

- a) Teach selected law students basic lawyering skills, including but not limited to, legal writing and oral advocacy skills, and preparing them for practical activities. This training provides an opportunity for law students to get familiar with the operation of the legal system and the participants of that that system. It also provides them an understanding and appreciation of professional responsibility and helps orient students to legal areas in which they may plan to specialize once they graduate.
- b) Provide free legal^{xxv} assistance and/or advice in one or more areas/branches of law^{xxvi}—which may involve interview, consultation, development of legal documents, representation before a court in accordance with the procedure established by the legislation of the Republic of Armenia, or other relevant state or community authorities—to the selected sections of the population.

- 3.1.2. The Legal Clinic should achieve these goals by conducting the following activities:

- a) Conduct trainings for law students on general lawyering skills, in particular legal writing^{xxvii} and oral advocacy skills^{xxviii}, using interactive teaching methods widely accepted in Legal Clinical education;
- b) Conduct trainings on legal ethics;
- c) Conduct trainings on the development, use and maintenance of legal files and documents, archives, and other relevant materials;
- d) Create practical team working opportunities and capacities for law students;
- e) Undertake other relevant activities based on the specific needs and direction of the Legal Clinic.

3.2. Minimum Organizational Requirements

3.2.1. The Legal Clinic should have in place the following program documents before it is established:

- a) The Charter of the Legal Clinic, which should be approved or registered:
 - i. By the Institution (Rector or Dean of the relevant faculty of the Institution) if the Legal Clinic is a “Unit” of the Institution or on of the faculties (legal, journalism and etc.) of the Institution;
 - ii. By the Institution if the Legal Clinic has the status of an institution;
 - iii. By the competent authority, i.e. the State Registration Offices of the Ministry of Justice if the Legal Clinic has the status of a legal entity. In this case the Charter of the Legal Clinic should be approved by its founder before it is submitted to the competent legal authority for state registration;
 - iv. By the Legal Clinic if the Legal Clinic is a separate legal entity or an institution.
- b) Code of Ethics;
- c) Acting^{xxix} Board^{xxx} and other bodies determined in the Charter of the Legal Clinic;
- d) Rules of professional responsibility before the courts and other state and community authorities, which should comply with Armenian law regulating the activities of advocates and lawyers and rules of professional responsibility before the courts;
- e) Student selection criteria and open and fair mechanisms for conducting the selection^{xxx1};
- f) Rules on the accepted form of behaviour and communication with state and community authorities, including but not limited to courts, notaries, ministries, etc;
- g) Confidentiality Policy;

3.2.2. The Legal Clinic should have the following finance and management related documents before its establishment:

- a) Policy for volunteers and interns of the Legal Clinic;
- b) Acting filing system^{xxxii};
- c) Internal policies of the Legal Clinic;
- d) Policy on using the library resources and archives of the Legal Clinic;
- e) Monitoring and evaluation system;

- f) Sustainability (programmatic, financial, organizational and environmental) plan;
- g) Strategic plan^{xxxiii};
- h) Fundraising plan;
- i) Action-plan;
- j) Other documents if necessary or required by law or the Charter of the Legal Clinic.

3.2.3. The Legal Clinic should also establish working mechanisms, i.e. regulations, responsible persons, disciplinary mechanisms and monitoring systems to ensure the effective implementation of the activities described in paragraph 3.2.2.

3.3. Minimum Requirements for Curricula

3.3.1. The Legal Clinic should have in place the following curriculum-related documents before its establishment:

- a) Manual on legal writing and oral advocacy skills, which also shall include guidelines for accepting clients and conducting interview, consultation, representation as well as guidelines for other types of legal assistance and/or advise defined by the Charter or other relevant document of the Legal Clinic;
- b) Manual on legal ethics;
- c) Manual on the areas of law in which the Legal Clinic specializes;
- d) Forms for filing cases in the Legal Clinic;
- e) Timetables and work shifts for the Legal Clinic;
- f) Working mechanisms^{xxxiv} for ongoing improvement of the developed codes and manuals as well as the forms and other documents of the Legal Clinic.

3.3.2. Manuals of the Legal Clinic should incorporate interactive teaching methods. The number of hours devoted to interactive teaching methods may vary depending on the course, but the interactive part of the teaching at the Legal Clinics should not be less than 65%.

3.3.3. The Legal Clinic should have its own library, legal database, and other relevant materials which should be maintained, update and enlarged. The developed manuals, codes, forms, and other documents should be considered the property of the Legal Clinic.

3.3.4. Regulations, charters, manuals, forms, and all other documents indicated in Parts 4 and 5 of this document shall be approved only after final revision and approval by the ABA/CEELI-Armenia Legal Clinic Team.

3.4. Minimum Financial Resources Required

3.4.1. The Law Clinic should have the following minimum financial means and guarantees:

- a) The Institution should provide 50% of the input^{xxxv} for the activities of the Legal Clinic at the beginning of its activities. Each year the Institution should raise its financial and material support level, but it should not exceed 75% of the budget of the Legal Clinic.
- b) The Legal Clinic should ensure that at least 25% of its funds, including financial and materials means, are provided by sources that are independent of the Institution, such as the Legal Clinic itself and/or other local or international donors.^{xxxvi}
- c) The Legal Clinic should be open to and have working mechanisms for ensuring cooperation with other donors, mass media, for profit and not for profit organizations and institutions, regional and international organizations, state authorities and human rights protection institutions, as well as Chamber of Advocates and other relevant institutions organizations. It should be able to conclude contracts, agreements, and memoranda for cooperation and conduct negotiations to meet its financial needs.
- d) The Institution should pay salaries or compensation to the staff members of the Legal Clinic, including the advocate and guest lecturers in accordance with the procedure established by the Charter of the Legal Clinic and relevant orders of the Institution.
- e) The Legal Clinic may own property so long as that ownership does not contradict Armenian law. The property of the Legal Clinic shall be used only for the fulfilment of its goals and objectives.

3.4.2. The Legal Clinic shall conduct its accounting separately from the Institution and its financial reporting in accordance with Armenian law, its Charter, and other relevant policy documents and meet the below mentioned requirements:

- a) The Legal Clinic shall conduct accounting and statistical calculations and submit relevant reports to competent state authorities as required by the law.
- b) The accountant of the Legal Clinic shall be responsible for the organisation of accounting and statistical calculations and for their reliability, and for timely submission of annual, financial, and statistical reports to the authorised bodies as prescribed by Armenian law, the Charter, and other relevant policy documents of the Legal Clinic.
- c) The Legal Clinic should have its own financial sustainability plan, which should be different from the financial sustainability plan of the Institution.

- d) The Legal Clinic should ensure functional mechanisms for implementing the financial sustainability plan of the Legal Clinic.
- e) The Legal Clinic should have a separate bank account number, a stamp or a seal, a balance, and an accountant.
- f) The accountant of the Legal Clinic shall act under the direction of the Director of the Legal Clinic.

3.5. Minimum Non-Pecuniary Resources Necessary

3.5.1. Legal Clinics also require non-pecuniary resources for effective establishment and operation. These resources include, but are not limited to, the following:

- a) Strong interest and dedication by the Institution’s management (mainly the Rector and the Dean of the relevant faculty of the Institution) in establishing and developing a Legal Clinic in their Institution. The interest and commitment by the Institution’s management should be visible, and concrete evidence of commitment should be provided.^{xxxvii}
- b) The willingness and dedication of at least two law professors at the Institution to participate in the establishment and development of the Legal Clinic. (Very often there arises a need to work overtime or on a volunteer basis at the Legal Clinic and the staff members of the Legal Clinic should be ready and committed to such work).
- c) The Legal Clinic, including the management of the Institution (the Rector or the Dean of the relevant Department), should ensure development of personnel who might work at the Legal Clinic. This activity should be ongoing to ensure that the Legal Clinic is not solely based on “individual personalities.”

3.6. Minimum Requirements Related to Employment at the Legal Clinic

3.6.1. The Legal Clinic should have at least the following staff members in order to ensure its smooth and effective operation:

- a) Director of the Legal Clinic;
- b) Coordinator of the activities of the Legal Clinic;
- c) Practicing lawyer (advocate)^{xxxviii} who should also teach legal writing and oral advocacy skills;
- d) Professor in the legal field of the Legal Clinic. The number of law professors depends on the directions of the activities of the Legal Clinic and the number of student groups.

3.6.2. These standards do not preclude the possibility of combining positions at the Legal Clinic (e.g. Director/Lecturer or Coordinator/Lecturer).

- 3.6.3. The staff members of the Legal Clinic should have adequate professional knowledge and skills which meet the standards of Legal Clinical education. These skills include knowledge of interactive teaching methods, knowledge of legal writing and oral advocacy, and effective methods of transferring the relevant knowledge and skills to students^{xxxix}.
- 3.6.4. The staff members of the Legal Clinic should be ready to improve their knowledge and skills on an ongoing basis. They should ensure their professional development by internal means, i.e. with the support of the Institution, and external means, i.e. with the support of donors, sponsors, and others.
- 3.6.5. The staff members should have sufficient technical capability, which includes but is not limited to knowledge and skills on using computers, the internet, and legal databases such as IRTEK, LEXPRO, etc. At least one of the staff members of the Legal Clinic should speak English or a foreign language other than Russian.
- 3.6.6. The Legal Clinic should have at least one staff member who works full-time and the rest of the staff members should work at least part-time. The Legal Clinic may have employees working at the Clinic on an hourly basis; however, the main staff of the Legal Clinic should spend at least four (4) hours per working day at the Legal Clinic.
- 3.6.7. The Legal Clinic should have an advocate who is licensed to practice law in Armenia and who has been practicing law on a day to day basis for at least two (2) years. The advocate must practice law while teaching at the Legal Clinic.
- 3.6.8. The staff members of the Legal Clinic should follow the developments in the field of Legal Clinical education and adopt the best practices in their Legal Clinic.
- 3.6.9. Relations with employees that arise from civil-legal contracts shall be regulated by the Civil Legislation and by the internal policies of the Legal Clinic.
- 3.6.10. Labour relations within the Legal Clinic and between the Director and staff members of the Legal Clinic and the Institution shall be regulated by Armenian Labour Legislation and the employment contract concluded between them.
- 3.6.11. Employees of the Legal Clinics shall be guided by the Charter and the Internal Policies of the Legal Clinic, where working days, work shifts, days off, vacations and other issues shall be defined.
- 3.6.12. Payment for work at the Legal Clinic and the duration of annual vacation cannot be less than the minimum level determined by Armenian law.

3.7. Minimum Requirements on Organizing Study and Providing Legal Support

- 3.7.1. The Legal Clinic should have an approved class schedule and it should not contradict the timetable of the Legal Faculty of the Institution.

- 3.7.2. The Legal Clinic may have one or more groups for the trainings. Each group should involve a minimum of 6 and a maximum of 10 law students.^{x1} The number of groups and students at the Legal Clinic shall be consistent with the number of law professors and technical resources, such as computers and other means for individual and team work.
- 3.7.3. The students of the Legal Clinic should spend at least 1 hour per day in the Legal Clinic apart from scheduled trainings.
- 3.7.4. These standards do not exclude the possibility of having other classes and programs at the Legal Clinic, such as street law; however, such programs may only be organized in addition to the Legal Clinic course and cannot replace the main course.
- 3.7.5. The Legal Clinic should raise awareness by disseminating information about its activities by means of announcements by radio, newspaper, distribution of pamphlets, information booklets, etc. Legal Clinics are also encouraged to conclude agreements about client referrals with other organizations providing free legal services. Announcements about the activities of the Legal Clinic should clearly indicate the branches of law in which legal support will be provided and who will provide the legal support.
- 3.7.6. The Legal Clinic should have fixed hours for the acceptance of clients at least two days a week for three hours per day.
- 3.7.7. The Advocate and at least two students of the Legal Clinic should be on shift during the days when clients are accepted.
- 3.7.8. The Legal Clinic should have a sign placed in a visible area.
- 3.7.9. The Legal Clinic should have mechanisms for monitoring and evaluation, which shall include at least the following mechanisms:
 - a) Quarterly evaluation of the activities of the law professor by the students and other staff members of the Legal Clinic;
 - b) Quarterly evaluation of the activities of the Director by the students and other staff members of the Legal Clinic;
 - c) Ongoing evaluation of the activities of the Legal Clinic by clients;
 - d) Quarterly Evaluation of the students by the Professors and the Director of the Legal Clinic;
 - e) Monitoring of the activities of law professors conducted by the Director of the Legal Clinic;

- f) Monitoring and evaluation of the activities of the Legal Clinic by the Institution (Dean of the Legal Department, Rector of the Institution or other competent authority);
- g) Evaluation of the activities of the students of the Legal Clinic by judicial or other relevant state or private authorities;^{xli}
- h) Evaluation of the activities of the Legal Clinic based on the number of cases resolved in favour of the clients of the Legal Clinic;
- i) Evaluation of the activities of the Legal Clinic based on the results of competitions for employment which students won through the knowledge and skills developed at the Legal Clinic;
- j) Monthly, quarterly and annual program and financial^{xlii} reporting to be done by the students, law professors, the advocate, the coordinator, the director as well as other relevant staff members of the Legal Clinic. The reporting requirements and the mechanisms should be developed by the Legal Clinic;
- k) Evaluation of the activities of the Legal Clinic by donor organizations or other independent authorities (audits);
- l) Other relevant methods of evaluation.

3.7.10. The Legal Clinic shall establish a working schedule based on the relevant laws of Armenia and the Charter of the Legal Clinic and may adopt a shift for accepting clients during the Institution exams and summer and winter holidays. Some Legal Clinics, given their specifics and the requirements of the target audience, are open during the summer and winter holidays. However it is not a minimum requirement for Legal Clinics within the meaning of these standards.

3.8. Minimum Requirements on the Preservation of Documents at the Legal Clinic

3.8.1. The Legal Clinic must preserve, in accordance with Armenian law, the following:

- a) The Charter of the Legal Clinic, including changes and additions made to the Charter;
- b) Documents establishing the property rights of the Legal Clinic;
- c) Personnel documents of employees, including interns and volunteers of the Legal Clinic;
- d) Decisions of the Board of the Legal Clinic;
- e) Copies of the annual program and financial reports of the Legal Clinic;

- f) Documents of the accounting system of the Legal Clinic;
- g) Case files of the Legal Clinic;
- h) Manuals, internal policies, codes, forms, and other documents of the Legal Clinic;
- i) Other documents that are required by the Legislation of the Republic of Armenia, the Charter, or another relevant document of the Legal Clinic.

3.8.2. The terms for the preservation of the documents described in paragraph 10.1 shall be defined by the Charter of the Legal Clinic, which should not be less than the terms prescribed by law. Otherwise, the terms prescribed by the Legislation of the Republic of Armenia shall apply.

IV. DISCLAIMER

THESE CRITERIA AND MINIMUM STANDARDS ARE SUGGESTED GUIDELINES. THEY ARE NOT INTENDED TO BE BINDING ON ABA/CEELI-ARMENIA AND ARE SUBJECT TO AMENDMENT, MODIFICATION OR SUPPLEMENTATION BY ABA/CEELI-ARMENIA AT ITS SOLE DISCRETION WITHOUT NOTICE.

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ⁱⁱ The legal team of ABA/CEELI-Armenia’s Legal Clinic Project consists of a Rule of Law Liaison, Rule of Law Staff Attorney and the Institutional Building Advisor to ABA/CEELI-Armenia.

ⁱⁱⁱ As used in this document the term “Higher Educational Institution” means a university, an institute, or any other competent authority which provides higher education in legal specialization.

^{iv} Constitution of the Republic of Armenia, art. 40.

^v Code of Civil Procedure of the Republic of Armenia, art. 40.

^{vi} *Id.* art. 41.

^{vii} Law of the Republic of Armenia on Principles of Administration and Administrative Proceedings, art. 23.

^{viii} Code of Civil Procedure of the Republic of Armenia, Chapter 6.

^{ix} Law of the Republic of Armenia on Advocacy, art. 6.

^x *Id.* arts. 5, 6, 45.

^{xi} Code of Criminal Procedure of the Republic of Armenia, art. 69.

^{xii} Law of the Republic of Armenia on Advocacy, art. 45.

^{xiii} Advocate is the person who has obtained an advocate’s license in the manner prescribed by this law, who is a member of the advocates’ chamber, who took an oath. An advocate is an independent consultant on legal issues (Article 17 of the Law on Advocacy).

^{xiv} As used in this document the term “selected persons” means a) socially vulnerable part of the population; b) persons with physical or mental disabilities; c) children; d) pensioners; e) veterans, f) unemployed; g) women and single mothers; h) those who are involved in a list of socially vulnerable within the frame of state programs; i)

migrants and refugees; j) asylum seekers; k) prisoners; l) detainees; m) other persons given the specifics of the region and the activities of the Legal Clinic, such as bankrupted legal entities, etc.

^{xv} The admissibility criteria are defined by each Legal Clinic given the directions and the specifics of their activities. Usually the admissibility are identical with the list of cases and/or the direction of the activities of the Legal Clinics; however there might be defined other admissibility criteria as well.

^{xvi} Programmatic documents include, but are not limited to, the Charter, Code of Ethics, Manual on Lawyering Skills, Manual on Legal Ethics, and other relevant materials.

^{xvii} Management related documents include, but are not limited to, the Internal Policy Manuals, necessary forms for running the Legal Clinic, and other relevant materials.

^{xviii} The present document does not exclude the possibility of establishing a Legal Clinic in other departments, such as Departments of Journalism, where journalists interested in investigative journalism would be the students of the Legal Clinic.

^{xix} Under the current education system of the Republic of Armenia, Legal Clinics described in this paragraph might open sub-account numbers under the bank account number of the Institution, which will allow them to conduct business transactions separately from the Institution.

^{xx} According to Article 62 of the Civil Code of the Republic of Armenia:

1. An institution is an organization created as a legal person for the conduct of administrative, cultural and societal, or other functions of a non-commercial character and financed by it in whole or in part.
2. An institution is not a legal person and acts on the basis of a statute approved by a legal person....

^{xxi} According to Article 123 of the Civil Code of the Republic of Armenia:

A foundation is a non-commercial organization not having membership, founded by citizens and/or legal persons on the basis of voluntary property contributions, pursuing social, charitable, cultural, educational, and other socially-useful purposes....

^{xxii} According to Article 51 of the Civil Code of the Republic of Armenia:

1. Organizations ... not having profit-making as a purpose and not distributing profit received among their participants (non-commercial organizations) may be legal persons....

Legal persons that are non-commercial organizations may be created in the form of societal amalgamations, funds, unions of legal persons, and also in other forms provided by a statute.

4. Non-commercial organizations may conduct entrepreneurial activity only to the extent that this serves the attainment of the purposes for which they are founded and corresponds to these purposes. For the conduct of entrepreneurial activity, non-commercial organizations have the right to create business companies or to participate in them.

^{xxiii} As used in this document the term “organization” means a not for profit entity or a for profit legal entity having educational, social, cultural, career development or other relevant purposes and objectives.

^{xxiv} According to Article 61 of the Civil Code of the Republic of Armenia:

Branch is a separate subdivision of a legal person located outside the place where the legal person is located and conducting all its functions or part of them, including the function of representation... This status is particularly applicable to mobile Legal Clinics.

^{xxv} The present document does not exclude the possibility of provision of psychological and social support along with legal assistance. Legal Clinics working with women, children, refugees, persons with physical or mental disabilities usually include psychological support in their services in addition to legal services. In these cases legal and psychological support are closely linked and provision of legal support very often is not possible without provision of psychological support and vice versa.

^{xxvi} For the beginning Legal Clinics are encouraged to start with a very narrow field which will allow easy management of the project and its monitoring and evaluation. The Legal Clinic then may expand the directions of their activities according to their resources and the needs of the population.

^{xxvii} Legal writing skills include skills on developing legal documents, letters, claims, counterclaims, arguments, legal statements, announcements, legal research, contracts, agreements, memorandums and other relevant documents and skills.

^{xxviii} Oral advocacy skills include skills on interviewing, negotiating, consulting, making oral pleadings, rebuttal, oral arguments, speeches, presentations and other relevant skills.

^{xxix} As used in this document the term “acting Board” shall mean a Board, which is a permanent structure where at least 90% of its members actively participate in fundraising, public relations, strategic planning and policy formulation activities. The 90% of the Board Members should meet on ongoing basis in accordance with the terms and the conditions prescribed by the Charter or other relevant instrument of each Legal Clinic.

^{xxx} As used in this document the term “Board” means a consultative/advisory body, which is mainly involved in policy making, policy changing, decision making with respect to changing or adding directions to and the scope of the activities of Legal Clinics and other questions indicated in the Charters or Regulations of the Legal Clinics.

^{xxx}ⁱ As used in this document the phrase “student selection criteria and open and fair mechanisms for conducting the selection” shall mean that the criteria for selection of applicants/students should be clearly defined and approved by the Legal Clinic and the same criteria should apply to all the applicants/students. The selection should be conducted with a special grading mechanism developed based on the existing selection criteria, which should be transparent and may be a subject of appeal if such a procedure is defined by the Charter of the Legal Clinic. At least one professor and an advocate should participate in the selection procedure along with one or more managerial staff members of the Legal Clinic. The selection of applicants/students should be done as a result of voting based on the mechanisms established by the Legal Clinic.

^{xxx}ⁱⁱ As used in this document the term “acting filing system” means that the filing system is easy to use; a special person is assigned to manage the filing system; there are certain mechanisms in place for registering all kind of out coming and incoming information, letters, faxes and other materials with respect of the cases, searching a case; all relevant forms such as intake forms, case registration forms and other relevant forms are a part of the filing system and are practically used, maintained and updated.

^{xxx}ⁱⁱⁱ As used in this document the term “strategic plan” means a document developed and used by a Legal Clinic to design its organization and budget structure with organizational priorities, missions, and objectives. A strategic plan should include a mission statement, a description of the Legal Clinic's long-term goals and objectives, and strategies or other means and plans of Legal Clinics to use and to achieve these general goals and objectives. The strategic plan may also identify external factors that could affect achievement of long-term goals.

^{xxx}^{iv} As used in this document the term “working mechanisms” means that a Legal Clinic should be flexible for making relevant improvements in the programs and manuals for making it closer to internationally recognized standards and developments in the field of the Legal Clinical Education. The Legal Clinic shall ensure, whenever possible, that those changes and additions are made and applied within reasonable time. The management of the institution shall not create any barriers for such changes and additions.

^{xxx}^v The input from the Institution might be in the form of provision of funds, an office for the Legal Clinic, office equipment, office supplies, literature, provision of salaries to the staff members of the Legal Clinic, and any other type of material or non-material input not prohibited by Armenian law.

^{xxx}^{vi} ABA/CEELI-Armenia encourages the Legal Clinics to establish and strengthen ties and cooperation with local not for profit and for profit organizations.

^{xxx}^{vii} Such guarantees, include but are not limited to, including the Legal Clinical educational courses in the legal curricula of the Institution, provision of ongoing support to and encouragement of the staff members of the Legal Clinic, provision of relevant resources, including pecuniary and non-pecuniary, not creating barriers for the staff members of the Legal Clinic in their work, willingness to the further development and promotion of the Legal Clinic, increasing the level of the support year by year.

^{xxx}^{viii} The advocate/lecturer of the Legal Clinic should practice law while teaching at the Legal Clinic.

^{xxx}^{ix} If the Institution professors do not have such skills they should undergo at least two months of training before starting the trainings in the Legal Clinic. ABA/CEELI –Armenia conducts trainings of the staff members of the Legal Clinics in a special program. The themes and the timeframes of the Trainings are indicated in *Attachment B*.

^{xl} The limit on the number of students in a group is based on the nature of the Legal Clinical education and its requirement of interactive teaching methods.

^{xli} This method of evaluation might not be achievable if the students of the Legal Clinic are not doing legal representation on a regular basis.

^{xlii} Financial reporting should be done by competent personnel of the Legal Clinic, including the accountant, manager, coordinator and other relevant staff members.



Legal Clinical Project Proposal/Concept Paper Evaluation Steps/Evaluation Criteria

Review committee members should:

Step 1:

Evaluate each section of the Concept Paper submitted by an Applicant by filling in the **Proposal Evaluation Form** using the 0-4 scale defined as follows:

- 0 = not meeting requirements
- 1 = Poor
- 2 = Medium
- 3 = Good
- 4 = Outstanding

Definitions:

Not meeting requirements: The concept paper contains irrelevant information and/or omissions in the concept paper format requirements;

Poor: The concept paper is disorganized, vague, ambiguous and/or *weakly* supported with arguments and requested justifications.

Medium: The concept paper is *fairly* comprehensive in presenting the required information with *more or less* relevant justifications and explanations; however it lacks basic logical links and sound argumentation.

Good The concept paper is *quite thorough*, clear and concise with exhaustive and strong argumentation, a logical flow of ideas, realistic goals, and a carefully designed strategy; the relevance of the applicant to the LC Pilot Project is very good.

Outstanding The concept paper is *exceptional*, with an outstanding and innovative approach and realistic objectives; the background and past track record of the applicant is *excellent*; the concept paper is of high value to the organization and the country.

Step 2: Score next to each section of the Concept Paper and calculate the final average score: each application gets scores for each part of the proposal (7 sections). The final average score should be calculated by dividing the simple arithmetic sum of the scores in each of the 7 sections by 7 (the final score should exceed 4).

Step 3:

Review the Concept Paper submitted by an Applicant based on the pre-defined evaluation criteria/minimum standards and their sub-categories. (Attachment #2: **Minimum Standards for Establishing a LC**)

Step 4: Fill in the “Minimum Standards for Establishing an LC” Form

Step 5: Define the list of questions to be clarified and/or verified with the Applicants

Step 6: Conduct Monitoring Sight Visits to clarify and/or verify the information provided in the Concept Paper or missing in it.

Step 7: Debrief the results of the Monitoring Sight Visits

Step 8: Make the final selection

Step 9: Send letters to both selected and rejected Applicant Institutions

Proposal/Concept Paper Evaluation Form

Applicant # 1

Section #	Applicant Name:	Score
1	About the Institution	
2	Status of the LC	
3	Problem Description	
4	Program Goals and Objectives	
5	Beneficiaries	
6	Monitoring and Evaluation	
7	Institution Input	
Average Score		

Applicant # 2

Section #	Applicant Name:	Score
1	About the Institution	
2	Status of the LC	
3	Problem Description	
4	Program Goals and Objectives	
5	Beneficiaries	
6	Monitoring and Evaluation	
7	Institution Input	
Average Score		

Applicant # 3

Section #	Applicant Name:	Score
1	About the Institution	
2	Status of the LC	
3	Problem Description	
4	Program Goals and Objectives	
5	Beneficiaries	
6	Monitoring and Evaluation	
7	Institution Input	
Average Score		

**LEGAL CLINICAL PROJECT
PROPOSAL/CONCEPT PAPER EVALUATION FORM**

		Applicant Institutions				
		1	2	3	4	
Minimum Standards For Evaluation of Concept Papers of the Pilot Phase of the Legal Clinical Educational Project		Value				
1. Pecuniary resources necessary for establishing a legal clinic (60%)						
1.1 - Relevant venue for implementing the activities of the Legal Clinic	15%	0%	0%	0%	0%	0%
1.1.1- Venue is located within the Institution	5%					
1.1.2- Venue has two rooms (one for trainings and ongoing activities of the Legal Clinic and the other one for accepting clients)	5%					
1.1.3- Two rooms of the Legal Clinic are located close to each other	5%					
1.2- Ensuring the salary of at least three staff members of the Legal Clinic. The amount of the salary should not be less than the minimum range of the salary established by the Legislation of the Republic of Armenia.	15%	0%	0%	0%	0%	0%
1.2.1- Director of the Legal Clinic	4%					
1.2.2- Coordinator of the Legal Clinic	4%					
1.2.3- Law professor of the Legal Clinic (the number of the law professors depends on the directions of the activities of the Legal Clinic)	4%					
1.2.4- Lecturer/advocate of the Legal Clinic	4%					
1.3-Existance of pecuniary means for ensuring communal expenses of the Legal Clinic	10%	0%	0%	0%	0%	0%
1.3.1- Power	3%					
1.3.2- Heating	3%					
1.3.3- House keeping	3%					
1.4 - Ensuring technical capabilities of the Legal Clinic	20%	0%	0%	0%	0%	0%
1.4.1- Computer	2%					
1.4.2- Printer	2%					
1.4.3- Tables and chairs at least equal to the number of the professors and students of the Legal Clinic	2%					
1.4.4- Safe for case files	2%					
1.4.5- Legal literature	2%					
1.4.6- Legal database (IRTEK)	2%					
1.4.7- Internet Connection	2%					
1.4.8- Phone (minimum one line)	2%					

1.4.9- Stationary	2%				
1.4.10- Copier	2%				
Sub Total	60%	0%	0%	0%	0%
2. Non-pecuniary resources necessary for establishing a Legal Clinic (40%)					
2.1.- High interest and dedication of the rector of the Institution for establishing and developing a legal clinic and existence of relevant guarantees for that	10%				
2.2 - The readiness of at least two law professors of the Institution in participation of the establishment and the development of related activities of the Legal Clinic	10%				
2.3 - Existence of staff of the Legal Clinic having adequate professional capacity meeting the standards of Legal Clinical Education	10%	0%	0%	0%	0%
2.3.1- At least having a knowledge of the interactive teaching methods	3%				
2.3.2- At least having computer skills	3%				
2.3.3- expressing readiness for improving their knowledge and skills on ongoing basis	3%				
2.4- Qualification and workload of the staff members of the Legal Clinic	10%	0%	0%	0%	0%
2.4.1- Ensuring at least existence of one staff member working for full-time at the Legal Clinic	3%				
2.4.2- The other staff members of the Legal Clinic should work at the Legal Clinic at least for part-time	3%				
2.4.3- The Advocate should have a license as prescribed by the Legislation of the Republic of Armenia and at least two years experience. The Advocate should practice law on day to day basis while teaching at the Legal Clinic	3%				
Sub Total	40%	0%	0%	0%	0%
Total	100%	0%	0%	0%	0%

Attachment B

Legal Clinical Education Project

Activity Plan for the Pilot Phase of the Project for the Legal Clinical Team of ABA/CEELI-Armenia

Preparatory Stage of the Pilot Phase of the Legal Clinical Project

Type of the Activity	Description of the Activity	1 month				2 month				3 month				4 month				5 month			
		Week				Week				Week				Week				Week			
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
1. Introduction of Legal Clinical Education to Higher Educational Institutions of Armenia	Conducting the first Workshop for the introduction of Legal Clinical Education to the Private Accredited Institutions having legal departments and those Institutions that act on the basis of Bilateral Agreements between the Governments. The participants of the Workshop shall be the Rectors and the Deans of Legal Departments of the mentioned Universities. Other interested law professors may also attend it.																				
2. Follow-up on the first Workshop	Submission of letters of interests to ABA/CEELI, with expressed interest and reasons to establish a Legal Clinic at their Institution																				
3. Introduction to the Methodology of ABA/CEELI for implementing Legal Clinic Projects	Conducting the second Workshop with those Higher Educational Institutions that expressed an official interest in establishing Legal Clinics at their respective Universities																				
4. Follow-up on the Second Workshop	Submission of concept papers by those Institutions that are interested in establishing Legal Clinics at their respective Institutions (the submission of concept papers before writing applications allows conducting prior selection of the Institutions based on the requirements of ABA/CEELI-Armenia).																				

Actual Operation Stage of the Pilot Phase of the Legal Clinical Project

Type of the Activity	Description of the Activity	1 month				2 month				3 month				4 month				5 month				6 month				7 month							
		Week				Week				Week				Week				Week				Week											
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
1. Support for developing the program related documents of the Legal Clinic	<ul style="list-style-type: none"> • Provision of necessary materials, • Expertise, • Ongoing consultation. 																																
2. Conducting Training and Seminars with the staff members of Legal Clinics	<p>The seminars and training should be on the following topics:</p> <ul style="list-style-type: none"> • Interactive teaching methods, • Charter writing requirements and specifics, • Internal Policy Manual writing requirements and specifics, • Code of Ethics writing specifics, • Training Manual writing requirements and specifics 																																

<p>3. Development of the Clinic Curricula and other related documents (practical course part)</p>	<p>Support to curriculum and other related documents development:</p> <ul style="list-style-type: none"> • Expertise • Consultation • Provision of necessary materials and experience including sample exercises, interviewing, mock trials and programs, and other advocacy and legal writing skills. • Legal Ethical Component Training <p>Support to development of the procedure for student selection criteria and methods:</p> <ul style="list-style-type: none"> • Expertise • Consultation • Provision of necessary materials and experience of other clinics <p>Support to development of Clinic Program Timetables –required minimum hours and subject per student and supervisor:</p> <ul style="list-style-type: none"> • Expertise, • Consultation, • Provision of necessary materials and experience of other clinics as well 																			
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	<p>as sample forms, Support for the development of all necessary forms for the general clinic usage (client application form, representation agreement, etc.):</p> <ul style="list-style-type: none"> • Expertise • Consultation • Provision of necessary materials and experience of other clinics 																															
<p>4. Development of the Clinic Program (Actual Client work part)</p>	<p>Support for establishing a good network of clinics and legal aid centers throughout the region, country and elsewhere as well as dissemination of information about the activities of the Clinic by mass media and other relevant means. Support to develop advertising strategy to attract clients.</p>																															
	<p>Development of Clinic Manual for Consultation or Guide for Students:</p> <ul style="list-style-type: none"> • Expertise, • Consultation, • Provision of necessary materials (providing also already existing CEELI books and other materials) and 																															

	<ul style="list-style-type: none"> In cooperation with IBA evaluation of the project effectiveness and shortcomings and provision of necessary expertise. 																													
<p>9. Financial sustainability strategy planning for ensuring further activities of the Legal Clinical Project</p>	<p>Fundraising:</p> <ul style="list-style-type: none"> Expertise, Consultation Provision of necessary materials including information and possible resources and experience of other clinics, Providing training and workshops, Facilitation of planning meeting. 																													
<p>10. Final Evaluation of the Pilot Phase of the Project</p>	<ul style="list-style-type: none"> Compilation of the results of ongoing monitoring visits, in particular, <ol style="list-style-type: none"> data on the advantages of the Project, data on disadvantages and shortcomings of the Projects, Compliance of the implementation of the project to the minimum standards and the methodology of ABA/CEELI, Consideration of the 																													

	<p>possibilities and prospects for further continuation of the Legal Clinical Project,</p> <ul style="list-style-type: none"> • Examining the observations made by the Legal Clinic itself about the implementation of the Pilot phase of the Project. 																																		
<p>11. Presentation of the results of the Assessment of the Pilot Phase of the Project to the Legal Clinic and the Management of the Institution</p>	<ul style="list-style-type: none"> • Discussing the observations of the Legal Clinic about the Project implementation, • Discussing the advantages of the Project as observed by ABA/CEELI-Armenia, • Discussing the disadvantages of the project and its courses 																																		
<p>12. Summary of the Pilot Phase of the Project</p>	<ul style="list-style-type: none"> • Recommendations on resolving the disadvantages and shortcomings of the Project, • Discussing the readiness and the capabilities of the Legal Clinic and the Institution to start the main phase of the Project, i.e. establish a Legal Clinic. 																																		

