

University of Brescia – Department of Law



Introduction to the

# **BRESCIA**

# **LEGAL CLINIC**

*“Learning the Law through Real Cases”*

Academic Year 2012/2013

## ***The Birth of the Clinic***

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The Brescia Legal Clinic was established, for the first time in Italy, in 2009 at the Brescia Faculty of Law. Introduced experimentally, over the years it has grown stronger and now it can be regarded as one of the most innovative initiatives promoted by our University.

The first step was taken by a group of academics, lawyers and students, all persuaded that it was time to make a change in the traditional way of teaching and learning the law by introducing and experimenting new methodologies.

The Clinic is characterized by a multidisciplinary approach involving different legal fields: Civil Law and Civil Procedure, Criminal Law, Labour Law, International Law, Comparative Law, Anti-discrimination Law, Administrative Law and Criminology.

The Clinic benefits from a remarkable support by the Local Bar Association, which is involved in the organization of the course.

## ***Goals of the Clinic***

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The Clinic is based on the idea that students should have the opportunity not only to acquire legal knowledge but also to learn the law through experience, handling real cases and dealing with real people in accordance with the so called “live-client model”. In this respect, “lawyering” skills play a crucial role: fact-finding, thinking strategically, developing a sound legal reasoning, writing briefs and memos, interviewing clients are as much important as knowing norms and legal concepts.

Experiential learning and active participation of students are the key words.

As well as complementing theoretical approach and traditional classes with a different way of learning the law based on a learning-by-doing methodology, the Clinic pursues further aims such as:

- showing the students that law shares not only a “technical” dimension but also a “social” one. Therefore the activity carried out within the Clinic should benefit individuals, associations, communities which need legal advice and defence of excellent quality in the following fields: protection of fundamental rights, housing, education, environment, immigration and so on;
- reflecting not only on the legal issues raised by the cases, but also on their ethical and social implications.

## ***Structure and Functioning of the Clinic***

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### ***Selection of the cases***

The Brescia Legal Clinic is mainly focused on litigation. Given the multidisciplinary character of the Clinic, different kinds of cases are handled. Cases are chosen taking into account various factors: educational value, exemplarity, social relevance. Cases may also be suggested by NGOs which the Clinic collaborates with.

Once the case has been selected and taken on, students working on that case take an obligation to comply to legal ethics (they are required to sign a written commitment).

### ***Joint supervision by teachers and lawyers***

Students work in small groups (2-3 people), each group being supervised by a professor and a lawyer. Depending on the complexity of the case other tutors (e.g. Ph.D. students) may be asked to help, but basically the supervision activity is jointly carried out by the professor and the lawyer.

### ***Legal representation of clients***

Under the Italian civil (and criminal) procedure code only the lawyer is responsible for the defence. That means that (1) the students cannot speak before the court and (2) all the claims, briefs, appeals and other acts must be approved and signed by the lawyer in charge of the defence. Although only the lawyer is in charge of representing the client – therefore only the lawyer can speak before the judge – our students (with the judge's permission) are allowed to attend the hearings. Although the students do not play a formal role in the trial, under the lawyer's supervision they perform a number of activities: in particular, they interview the client, do research, write memos and give a significant contribution to the drafting of acts relevant to the proceedings.

### ***Students' activity and its evaluation***

The course schedule requires 40 class hours, subdivided into teamwork (supervised by one teacher and one lawyer), seminars, “rounds” and simulations. At the very beginning of the course a syllabus is handed out to students. Depending on the development of the cases the distribution of the activities established in the syllabus may be subject to modification.

In addition to that, students are required to do some individual work. Attendance is mandatory, also for the purpose of evaluating students' work.

The evaluation of students' work takes into account the following factors:

- regular attendance at classes;
- individual commitment;
- quality of documents drafted under the lawyer's supervision (briefs, memos, letters, etc.);
- reports on the activity performed, concerning not only the description of the case but also a reflection on the experience made in the Clinic in terms of personal growth and development.

### ***Other activities carried out by our students***

As said above, the main focus of the clinic is litigation. However students may be asked to perform other activities such as:

- legal advice for individuals (e.g. disadvantaged people) and groups (e.g. NGOs, trade unions);
- informative campaigns on fundamental rights protected by the law, with the aim of spreading a human rights oriented culture and promoting access to social benefits;
- collaboration with local institutions and NGOs for local community development projects.

### ***Enrolment***

Legal Clinic is an elective course which gives students 6 credits. The Clinic is open to

students enrolled in the 5-year degree course in Law who are in their 3<sup>rd</sup>, 4<sup>th</sup> or 5<sup>th</sup> year, and to students enrolled in the 3-year degree course for Labour Consultants who are in their 3<sup>rd</sup> year.

The Legal Clinic covers two semesters (“Legal Clinic 1” and “Legal Clinic 2”). Students may take either “Legal Clinic 1” or “Legal Clinic 2” or both.

### **Internationalization**

The Brescia Legal Clinic has developed fruitful relationships with several EU clinics (Northumbria and Valencia) and US clinics (Yale, NYU, CUNY, University of Connecticut, Berkeley, Irvine). Exchange agreements involving staff and students have been (and will be) concluded between the Brescia Clinic and the above mentioned foreign clinics.

In particular, since 2011 an agreement between the Brescia Clinic and the University of Connecticut School of Law has been operating.

## **Some Data**

Since 2009 the number of students enrolled in the Clinic has increased constantly. The following table shows how the Clinic has developed over the years.

<b>Year</b>	<b>Field</b>	<b>Nr. Cases</b>	<b>Nr. Students</b>
2009/2010	Criminal Law	2	5
2009/2010	Labour Law	1	3
2009/2010	Civil Law (Family Law)	4	12
Sub-total 2009/2010		7	20
2010/2011	Anti-discrimination Law	1	3
2010/2011	International Law	1	3
2010/2011	Criminal Law	1	4
2010/2011	Civil Law (Consumer's Law)	1	3
Sub-total 2010/2011		4	13
2011/2012	International Law / Criminal Law	1	4
2011/2012	Criminal Law	2	8
2011/2012	International Law	2	8
2011/2012	Labour Law	1	4
2011/2012	Anti-discrimination Law	1	4
Sub-total 2011/2012		7	28
2012/2013	Criminal Law	3	16
2012/2013	Labour Law	1	5
2012/2013	International Law	3	13
2012/2013	Civil Law	3	13
2012/2013	Criminology	1	4
2012/2013	Administrative Law	1	4
Sub-total 2012/2013		12	55
<b>Total</b>		<b>30</b>	<b>116</b>

## ***The Staff of the Clinic***

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### **Civil Law**

Prof. Fabio Addis, [addis@jus.unibs.it](mailto:addis@jus.unibs.it)  
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### **Labour Law and Anti-discrimination Law**

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### **International Law**

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### **Criminal Law**

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### **Comparative Law**

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### **Administrative Law**

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### **Civil Procedure**

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### **Philosophy of Law**

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## **Criminology**

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Dr. Luisa Ravagnani, [ravagnani@jus.unibs.it](mailto:ravagnani@jus.unibs.it)

## ***Clinic's Seat and Contacts***

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The Clinic is located in Brescia, Via San Faustino n. 41, at the Department of Law, where the clinic-related activities are carried out.

However a number of activities, depending on their nature, are performed elsewhere:

- the activities which require the client's privacy to be protected take place at the lawyer's office (e.g. meetings with clients);
- some activities are necessarily carried out in court (e.g. hearings);
- some activities are carried out at the offices of the NGOs which may be involved in the case.

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