Chapter 24

Diversity in Global Justice Education: Legal Systems and Procedures

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INTRODUCTION

Since the first unsuccessful attempts in France, Russia, and Germany in the first half of the 19th century, various countries have tried to develop a form of clinical legal education (CLE), whether in Denmark with the *Studentersamfundets Retshjælp for Ubemidlede* (Student Society for Legal Aid to the Destitute) at the end of the 19th century, or in Argentina at the beginning of the 20th century at the University of Buenos Aires (Aurey & Pitcho, 2021). The motivations were similar, combining a desire for more practical teaching and for better accessibility of law and justice to the most modest of people. The idea of legal education combining practical experience and social justice thus seems widespread in the world in the 19th and early 20th centuries; however, it is ultimately in the United States that it would truly find concrete expression.[1]

In the early 20th century, the first legal clinics in the United States followed essentially the same approach, combining criticism of a teaching method deemed too theoretical with engagement with poor populations. However, unlike the previous examples whose impact on the academic world was limited or non-existent, the development and expansion of CLE in the US in the 1960s and early 1970s—at the heights of the civil rights and anti-war movements—resulted in an explosion and subsequent systematization of legal clinics during the civil rights movement.[2]

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[1] The legal aid origins of clinical legal education is the subject of Chapter 13.
[2] The early years of modern clinical legal education, in the US and elsewhere around the word, is the subject of Chapter 1.

This North American model then spread throughout the world, thanks in part to funding from major American foundations. This movement would sometimes be perceived negatively as participating in a new legal imperialism (Gardner, 1980; CF Wilson, 2011) whose consequence, if not objective, would be to impose an American vision of law. For some universities, particularly in Western Europe, clinical legal education was then seen as the spur of a Common Law doctrine from which the Civil Law world should be protected. In Eastern Europe external funding initially muted such criticisms, but American-style legal clinics were often perceived internally as alien, even as legal irritants, and many programs survived only for as long as external financial support was available.

Indeed, the acclimatization of the legal clinic concept outside the Anglo-Saxon world is often analyzed on the basis of this Common Law/Civil Law dichotomy (Genty, 2008). However, there is no real opposition or systemic distinction today between the two major legal systems as traditionally described. (Spamann, 2024; Spamann et al., 2021). Many of the supposed differences are overstated and do not withstand factual and evidence-based analysis. For example, “civil law” systems are also based on precedent, and “common law” systems now largely rely on statutory law, not simply judicially created common law. Moreover, unity is not the rule within these two systems; British Common Law being quite different from its North American cousin, while there are fundamentally distinct approaches to French, Italian, German, Hungarian, and Chilean Civil Law (Spamann, 2024).

Accordingly, distinctions grounded principally or largely in differences between civil and common law systems do not supply fertile ground to understand the differing development of CLE around the world; there are more meaningful differences than national legal systems. Rather, the key to understanding the common law–civil law dichotomy (Damaška, 2010) in this context lies not in distinctions about dominance of precedents or

statutory rules, but in the organization of legal professions and approaches to legal education in those respective systems.[3]

In civil law countries, the study of law has traditionally been conceived as a form of "legal science" (Merryman, 1985: 61), tied to a rigid academic curriculum that left little room for practical training, particularly live-client work by students. Furthermore, the structure of legal markets in many civil law jurisdictions has played a decisive role, often blocking clinics that provided legal advice or representation on grounds of unauthorized practice or even malpractice. These obstacles, while not fully alien to CLE in common law counties, have generally been less obstructive of CLE's development there. It is beyond the scope of this chapter to present a comprehensive review of legal system differences and their respective impacts on CLE, but three important factors stand out:

> The organization of legal aid to the most vulnerable in the legal system and/or the relative need for and ability of the legal and lawmaking systems to accommodate and support other social justice lawyering models in clinical or experiential legal education, beyond a traditional direct service legal aid model;
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> The organization of the legal market and professions, including the question of the lawyers' monopoly; and
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> The involvement of the legal professions in the academic training of future legal professionals, including the distinction in some countries between universities and post-graduate vocational schools and the (lack of) expectation or obligation of universities and law schools to provide education in practical skills and values of lawyering to students.

This chapter will describe those variations through the lens of three countries and legal systems: A) Croatia; B) France; and C) the United States. It will also identify some areas where CLE in those countries have influenced the development of CLE (or have been influenced by CLE) in other parts of the world.

ORGANIZATION OF LEGAL AID AND OTHER SOCIAL JUSTICE LAWYERING MODELS

[3] Differences in CLE models among countries relative to legal education institutions are the subject of Chapter 23.

General discussion

The early history of clinical legal education in the USA is deeply and inextricably linked to the provision of legal aid for the poor. Scholars have noted what they call the "legal aid origins" of clinical legal education, not only in the USA but in many other countries as well, including Australia, India, and South Africa (Bloch & Noone, 2011).

Despite the principally legal aid focused origins of US clinics, since about 1970 clinicians in the US have referred to larger, second and third waves of clinical education during which clinical goals, including social justice goals, have been more diverse (Barry et al., 2000). This development accelerated following the promulgation, in 1996, of the American Bar Association (ABA) law school accreditation requirement that all US law schools offer clinics in some form. Clinics have been focusing more attention on the importance of experiential education and imparting in students the skills and values of the profession, spurred on by influential ABA reports as well as social justice and service learning educational goals. This includes instilling in law students an ethos of social justice service, exposure to the need for social justice-oriented lawyering based on first hand exposure to deficiencies in the legal and political systems, and knowledge about how to undertake such social justice directed legal work. (Dubin, 1998). The principal justification for CLE institutionalization, which has driven pro-clinic ABA mandates, student practice rules authoring law student practice, and the placement of clinics and much clinical faculty on hard university faculty budgets, has been educational imperatives and recognition of the importance of bridging traditional doctrinal and theoretical classroom instruction with practical skills education to help prepare students for the competent and ethical practice of law. The UK's CLE evolution reflects a similar emphasis on student education in practice skills and values over legal aid/access to justice or other social justice imperatives as the principal rationale for sustaining CLE (Grimes et al., 2025).

This prioritization has not reflected an abandonment of social justice goals or CLE's commitment to addressing the legal needs of underrepresented groups, or the effort to synthesize and reconcile educational and social justice goals in CLE. For example, clinics specializing in immigrant rights representation and immigration focused crises have proliferated in the past 25 years to serve non-legally permanent resident (LPR) immigrants that have been largely excluded from government funded free civil legal services. In the UK, some clinics have developed or expanded ostensibly in response to cutbacks in legal aid in the UK (Grimes, et al, 2025). However, in other parts of Europe only Poland seems to have developed a network of clinics "as a means to provide legal services to the poor" (Wilson, 2018). This may be in part because, despite critics, "broadly speaking the European legal aid context is more favorable to poor people than the American one" (Poillot, 2017), especially because of the more fulsome involvement of States in funding free legal services for the most vulnerable.

Two consequences emerge, discussed further in the next section with examples from Croatia, France, and the United States. First, the more the State is involved in legal aid and progressively serving the needs of underserved and historically subordinated or currently disfavored groups, supplying a comprehensive social welfare safety net to address the material economic needs of persons in poverty, and protecting civil and political rights, the less urgency behind the need for other actors, like clinics with principal legal aid or social justice focused goals, to step in for these purposes. Current cuts where public legal aid is deficient (for example in immigration and refugee law) thus create spaces that clinics are investing in today. Second, law clinics potentially operate in a particular market competing with established legal actors (notably lawyers compensated by public funds to advise and represent the most vulnerable). Therefore, some of these actors perceive support for law clinics as a potential threat to an already complex market.

States' focus

Croatia

Croatia represents an amalgam of the traditional Central European approach to legal aid and remnants of its Socialist past—later deconstructed and, often without sufficient reflection, replaced by "modern" and "specialized" models that have frequently proven dysfunctional (Uzelac and Preložnjak, 2012).

Until the 1990s, procedures were simplified and designed to assist unrepresented litigants in line with Socialist ideology. Yet this attitude was not purely socialist: in Croatia and parts of former Yugoslavia, legal aid was tied to the tradition of active judges assisting legally ignorant parties, partly inherited from the Austrian model of civil procedure introduced in the late 19th century and applied in Croatia from 1929. While the paternalistic role of the judiciary and the inquisitorial style also fit Socialist ideals, the result was broad access to justice, hindered mainly by the slow pace of proceedings. Until 1996, courts were required, as in Austria, to ensure parties could protect their rights and exempt indigent litigants from fees, costs, and even appoint a representative free of charge—powers often exercised generously. Courts also held weekly "open days," when judges on duty advised citizens on legal problems. In addition, the bar association provided pro bono services, and parties could freely engage almost anyone as legal adviser or representative, regardless of formal qualifications.

From the 1990s onward, most of these practices were abandoned. Judges' inquisitorial powers gave way to an adversarial model, "open days" were abolished, pro bono was reduced, and legal service costs soared. While presented as alignment with Western democratic values, the effect was a sharp decline in access to justice. This became so evident that, during the 2000s, establishing a modern legal aid system became a precondition for Croatia's EU accession. During the wars of the 1990s, legal assistance to refugees and displaced persons

was provided almost exclusively by NGOs, often supported by international donors such as UNHCR.

Driven by such foreign policy pressures, new legal aid legislation was enacted in 2008. But under pressure from the Bar, the government introduced strict rules and bureaucratic hurdles so that less than 1% of the budget was used. Later reforms partially improved access, but problems persist. Today, only attorneys may provide representation in legal proceedings (secondary legal aid). However, NGOs and university legal clinics can register to provide advice and assistance (primary legal aid). Although state funding is negligible, this reform legitimized legal clinics and enabled their growth. The Legal Aid Clinic of Zagreb University has been the most successful, assisting more than 15,000 clients over the past 12 years (Uzelac, 2025).

France

In France, access to justice is nowadays framed as a public service under the responsibility of the State, encompassing both the provision of legal information and financial support for litigants with limited resources.

Historically, however, the situation was markedly different. Until 1972, legal assistance remained essentially a charitable practice, delivered by lawyers through pro bono interventions (Renaut, 2000). A brief experimented with state-sponsored legal assistance through the *Bureaux de jurisprudence charitable* was abolished by Napoleon in 1804; in exchange, lawyers accepted the obligation to organize free consultation offices within local bar associations (Id), a tradition that persists to this day in the form of weekly open consultations accessible to the general public.

A decisive shift occurred with the passage of the Law of 3 January 1972, which for the first time instituted state-funded compensation for lawyers representing indigent litigants. Yet

this initial framework was quickly criticized, both for the inadequacy of lawyers' remuneration and for the very restrictive income thresholds that excluded many potential beneficiaries, which prompted a major legislative reform in 1991 (Cadiet, 1991; Renaut, 2000).. The effects of this reform, widely regarded as the cornerstone of France's modern policy on access to justice, are visible: whereas only 350,000 applications for legal aid were filed in 1996, today more than one million individuals apply each year.

Parallel developments took place in the field of legal information. Initially spearheaded by grassroots initiatives in the 1960s and 1970s—notably through the *boutiques du droit* (legal offices/boutiques) (Lascoumes, 1978)—these efforts were gradually institutionalized. The early 1990s saw the establishment of *maisons de la justice et du droit* (community justice centers) by magistrates in suburban areas, followed by the creation of departmental legal aid councils in 1991. Renamed *Conseils départementaux de l'accès au droit* (CDAD), these bodies now serve as coordinators of local initiatives fostering collaboration among magistrates, lawyers, court staff, and civil society actors. Today, the network encompasses around one hundred CDAD, 146 *maisons de la justice et du droit*, and over 3,000 *Points-Justice* offering free legal information, professional consultations, and administrative assistance.

Against this institutional backdrop, also marked by the persistent reluctance of law faculties to engage with practical legal education and the hesitations of bar associations, there appeared to be little structural impetus for the emergence of new actors in the domain of access to justice such as legal clinics. Nonetheless, beginning in the 2010s, a gradual process of intellectual and pedagogical acculturation familiarized French academics with the clinical legal education model. As a result, legal clinics have since carved out a place within the broader ecosystem of access to justice, contributing to the dissemination of legal information

across a range of contexts, from assisting disadvantaged individuals to supporting rights advocacy organizations, local governments, and small businesses.

United States

Although there are networks of government funded legal aid and legal services offices in the US providing representation to persons unable to afford lawyers, significant limitations in those networks abound. While persons charged with serious crimes are guaranteed appointment of counsel for trial and a first appeal as a constitutional right, there is no constitutional right to counsel for virtually all other cases. The federal government, some state and local governments, and some private philanthropies have supplied funding for civil legal services, but there are gaps in these networks and many US clinics supplement those networks.

For example, some criminal defense clinics provide supervised law student criminal defense representation in areas where counsel is not constitutionally required, such as crimes not subject to imprisonment, various post-conviction proceedings including projects focused on actual innocence, and holistic representation of adults and children with criminal and other entwined legal problems. Despite federal funding of civil legal services offices throughout the country, over 80% of the civil legal needs of low-income families remain unmet. In addition, federal legal services funding was substantially curtailed in the 1990s; in addition to excluding non-LPR immigrants from representation, funded offices cannot provide often more efficient class action "impact" litigation, engage in broad based lobbying, administrative reform or policy advocacy, or represent incarcerated persons (Luban, 2003). While there are non-profit public interest and social justice focused legal organizations doing work in some of these areas, they are few and far between.

Accordingly, there are many clinics that have been designed to supply representation and educational experiences to help fill unmet need—usually with much support from organizations and/or law firms doing work in those areas and without major concerns of adverse competition. American clinics do, however, often experience political push back when taking on powerful governmental and private interests in their work, including significant pressure on university presidents, deans, governing boards, and government officials, especially when those universities and their law schools are public, government-supported institutions (Kuehn & McCormack 2010).

In many ways, clinical structure and design in the latter waves of US CLE have mirrored the growth and diversity of public interest social justice lawyering models beyond the traditional direct service legal aid model. A significant number of US clinics now focus on: law reform class action and large case "impact" litigation in civil rights, immigrant rights, prisoner right/re-entry issues, international human rights, and environmental rights; legislative and regulatory lawmaking and or public policy advocacy seeking to effect law change outside of strictly judicial institutions; transactional clinical lawyering (small business, entrepreneurship, and nonprofits with community capacity building and/or other economic development goals in challenged, underserved communities), often with intellectual property or technology issues; interdisciplinary and holistic lawyering, transcending professional silos and often collaborating in partnerships with other professionals to address client needs more holistically and comprehensively, such as doctors, mental health care professionals, and social workers; and alternative dispute resolution and mediation. Field placement or externship-focused CLE has also grown, often involving partnerships with governmental or non-profit entities whereby students are supervised in the "field" by lawyers in those entities while instruction and guided reflection is taught through externship/clinical faculty. Significantly, and in light of the predominant educational goals of US CLE, an increasing number of US law

schools have also created clinics without any identifiable social justice objectives (Tracy, 2025).

ORGANIZATION OF THE LEGAL MARKET

General discussion

The organization of legal professions remains far from uniform worldwide. Traditionally, the very concept of "legal profession" has differed significantly between civil law and common law countries. In the United States, the image of a "lawyer" has long been associated with a single, unified profession (Merryman, 1985). American (and, to a lesser degree, British) lawyers enjoy high career mobility: a successful legal path may include clerkships, private practice, public defense, corporate work, and public office, culminating in judicial appointments or senior government roles. This flexibility stems from a history of a once "balkanized" profession—fragmented by state lines and local courts—that gradually moved toward greater integration (Marcus, 2013).

In contrast, civil law systems are more static, with legal graduates choosing among distinct, usually closed professions. Career paths in the judiciary, prosecution, private practice, or corporate work are largely exclusive of one another. Attorneys, notaries, bailiffs, and others follow separate tracks. Consequently, professional identities are more fragmented, and representative bodies (bars, chambers, unions) often focus on rival or sectoral interests (Clark, 2002).

A second layer of divergence concerns regulation. The legal profession has never been a pure free-market actor but has always negotiated its autonomy with the state, the market, and society (Abel & Lewis, 1989). Common law markets have tended to be more liberalized and competitive, whereas civil law systems are more regulated and state-involved, with professional monopolies, numerus clausus rules limiting the number of notarial positions, and

bans on merging legal and non-legal services (e.g., advocacy and accounting). Legal aid also reflects this divide: in common law countries it has often relied on pro bono or reduced-fee work, while in civil law systems it has been institutionalized with state-funded professionals providing services.

These distinctions, however, have become more complex. While some common law countries (notably England) developed generous legal aid schemes with the rise of the welfare state in the late 20th century, austerity from the 2010s sharply reduced them. Since the mid-20th century, "Big Law" has transformed practice: elite work shifted from solo practitioners to large corporate firms, later multinational giants. In the 21st century, technology—and now artificial intelligence—has further unified global practices.

Still, centrifugal forces remain. Many lawyers continue to practice locally, regulation is state-based, and globalization of elite work has fragmented the profession further. Outside global hubs such as London and New York, local lawyers struggle amid competition, oversupply of graduates, and the encroachment of AI. Many turn to state-funded legal aid or low-value sectors (small claims, debt collection, labor and family law). In this oversaturated and highly opaque legal market (Karpik, 1999), bar associations often resist "outsiders" providing free services, protecting their perceived monopoly. In such an environment, even legal clinics—especially autonomous or professor-led initiatives—may face hostility.

It is evident that the structure of legal markets strongly affects clinical legal education. Clinics are more easily integrated where markets are less regulated, pro bono is encouraged, and legal careers are unified. In highly regulated markets with fragmented professions and monopolies, clinics face obstacles and often require special legal recognition. New trends in legal work pose both opportunities and threats. Globalization of elite practice rarely benefits clinics and may even sideline them, while new technologies reduce demand for junior lawyers. Conversely, the shift of local markets toward state-funded and low-value cases can

generate conflicts between bar associations and organizations offering pro bono or competing for legal aid resources.

States' focus

Croatia

Until the 1990s, the legal market in Croatia was relatively underdeveloped. Unlike other socialist countries, former Yugoslavia permitted private legal practice and never introduced Soviet-style "advocates' collectives." Still, although members of the bar provided services as private professionals, they were expected to act with an awareness that they were delivering a valuable social service, and their fees remained relatively low. They were also subject to state control, since lawyers' fee schedules required government approval. In addition, lawyers were expected to provide pro bono services to those in need, either at the court's direction or as part of the bar's organized service for the poor. In this environment of limited market competition and strong state oversight, legal work was largely confined to criminal defense and classic "civilian" cases (property, family, labor), with few high-stakes or high-value matters.

The transition of the 1990s brought significant changes. The 1994 regulation of the legal profession established a bar monopoly: a closed association of licensed lawyers freed from state assumed exclusive control of admission, ethical rules, and discipline. This "autonomous" bar was able to fix the price of legal services—at levels considerably higher than before—until 2008, when the Ministry of Justice approval was reintroduced, albeit with little effect on lowering legal costs.

In other respects as well, the Croatian Bar Association (HOK-CBA) fought for its members' monopoly. Until 2013, only Croatian citizens could join the bar and collateral recruitment into the profession was discouraged through high entry fees for anyone who had not pursued a lawyer's career as a law firm intern immediately after graduation. At the same

time, HOK-CBA condemned all forms of legal work—even unpaid work—by non-members as the "unauthorized practice of law," insisting on prosecution in every case.

The bar's resistance extended to legal aid. After adoption of the 2008 Legal Aid Act, HOK-CBA challenged the law before the Constitutional Court, arguing that authorizing NGOs and legal clinics to provide advice and information ("primary legal aid") violated the constitutional monopoly of the bar. In one of its stronger rulings, the Court rejected this claim, holding that "[w]hile the Constitution defines the legal profession as an autonomous and independent service that ensures legal assistance to everyone in accordance with the law, it does not thereby grant lawyers an absolute monopoly or exclusivity in providing legal assistance" (Constitutional Court, U-I-722/2009, decision of 6 April 2011). This decision settled the exclusivity issue but did not end conflicts between legal service providers in Croatia. Similar quasi-constitutional arguments continue to be used by bars in neighboring countries, notably in Serbia, to resist various legal aid initiatives, including those by legal clinics.

The bar is not the only restrictive force when collaboration with legal clinics is concerned. Legislation on notaries adopts an equally, if not more, exclusionary stance, although this is of little relevance due to the specific scope of notarial work. Somewhat better cooperation exists with the small circle of mediators and mediation associations. Overall, professional bodies tend to monopolize training under their auspices, just as in the case of lawyers and notaries.

France

In France, the legal services market is the product of centuries of institutional development that has resulted in the co-management of legal matters between the State and professional regulatory bodies (bar associations, chambers of notaries, chambers of judicial administrators,

etc.). Each entity maintains responsibility for regulating professional access, establishing ethical codes, providing training, and representing their respective members. Concurrently, the State guarantees each legal profession a monopoly over a clearly defined set of activities falling within their respective spheres of competence.

Regarding lawyers, the monopoly on legal representation dates back to the Middle Ages and the subsequent secularization of legal practice. Though abolished during the Revolutionary period and subsequently reinstated under Napoleon in 1804, this monopoly was counterbalanced by the introduction of free legal consultations for economically disadvantaged populations within the Bar system (Renaut, 2000). As previously noted, this equilibrium underwent significant transformation during the 1970s with the establishment of a form of social insurance for litigation through public funding of legal costs for those lacking financial means. Activities that had previously constituted pro bono work thus became a potential source of remuneration. Nevertheless, lawyers have repeatedly demanded enhanced compensation, which has remained substantially below adequate levels even following the 1991 reforms. On a per-case basis, legal aid compensation in France remains significantly below the average remuneration levels available throughout the European Union (Perben, 2020).

In addressing the *Conférence des bâtonniers* in 2017 (Association of Presidents of Bar Associations), the then Minister of Justice attributed responsibility to certain lawyers who, in his assessment, had become "professionals of legal aid." Invoking a pre-Revolutionary conception of legal practice, he argued that legal aid should not constitute professional remuneration but merely compensation for activities that should remain ancillary to core legal practice. While categorically rejecting any possibility of increasing compensation levels, he instead recommended the implementation of law clinics within a reformed legal aid framework. Notably, this proposal received partial endorsement from the *Conseil national des*

barreaux (CNB) in its resolution of 15 May 2020. Certain members of the legal profession, however, vehemently contested what they characterized as the "instrumentalization of law clinics to provide economically compromised access to justice" (SAF, 2020). From their perspective, law clinics would be employed by the State as a cost-reduction mechanism, effectively enabling the withdrawal of financial support for legal access among the most vulnerable populations.

Ultimately, five years after these initial discussions, negotiations between the government, the CNB, and university representatives have yielded inconclusive results, with no substantive policy changes implemented. Consequently, French law clinics continue to contribute informally to access to law, predominantly operating within a regulatory grey area regarding the legal profession's monopoly over legal consultation services. Both their contribution to future legal practitioners' training and their role in advancing social justice remain undervalued and inadequately recognized. These initiatives continue to rely predominantly upon the voluntary commitment of a limited number of academic and legal practitioners, whose sustained efforts face increasing challenges in the absence of institutional recognition and formal integration within the legal education and access to justice framework.

United States

In the US, the legal profession both regulates itself and holds an essential monopoly on the provision of legal services. State supreme courts possess the power to regulate the practice of law in their states and some have delegated significant aspects of their authority to state bar associations to set rules regarding law practice. Most significantly, however, the monopoly power is maintained through a prohibition on nonlawyers from offering legal services of any kind, including advice, drafting, counseling, or appearances in court (Steinberg et al., 2021).

The asserted rationale for this monopoly is quality control and the protection of consumers, since nonlawyers are not subject to ethical oversight and discipline by state bars nor the same gatekeeping entry requirements for law practice. Entry requirements, also imposed by the state supreme courts and state bar associations, typically require graduation from an ABA accredited law school after three continuous years of full-time study or equivalent credit hours (with admission to those ABA accredited law schools limited to students with at least three years of university or college study before law school, with some states also requiring a bachelor's degree or equivalent), passage of a written bar exam, and satisfaction of character and fitness requirements.

Although these various requirements have been harshly criticized as self-interested protectionism that increase the cost of legal services and undermine access to justice for low- and moderate-income persons (Steinberg, et al, 2021), US clinical programs have managed to attain exemptions from state supreme courts from most of these monopolistic restrictions. Even though law students do not meet most of the above requirements for the practice of law, the state supreme courts and bar associations have crafted student practice rules authorizing the supervised practice of law by students. The growth of student practice rules accelerated significantly after the ABA's issuance of a model student practice rule in 1969, and now every state has one (Mylniec & Etchison, 2015).

The ABA's model rule, followed by several states, acknowledges its dual purposes: to "encourage law schools to provide clinical instruction in trial work of varying kinds" and to "provid[e] assistance to lawyers who represent clients unable to pay for such services." It requires the student to have completed the first two years of law school, obtain consent of the client, be supervised by a member of the bar approved by the Dean of the law school where the student is enrolled and who assumes professional responsibility for the quality of the student's work, and permits supervised student practice on behalf of indigent clients in all

state courts and administrative tribunals, including appellate courts (ABA Model Student Practice Rule, 1969). While the 1969 model rule focuses on representation of indigent clients and cases where appointment of counsel is not mandated by law, it also authorizes supervised practice in cases where appointed counsel may be required, or on behalf of the state if consent is provided by state prosecutors. Ten years after its initial enactment, the ABA's revised model student practice rule removed the indigency restrictions (Annual Report of the American Bar Association, 1979) and several states have no indigency requirements (Chadwick, 2021).

INVOLVEMENT OF THE LEGAL PROFESSIONS IN THE ACADEMIC TRAINING OF FUTURE LEGAL PROFESSIONALS

General Discussion

Today, in almost all countries, the training of legal professionals involves a more or less lengthy period at university, typically within a legal curriculum. This has not always been the case. In the Anglo-Saxon world, for instance, legal training was initially conducted outside universities through apprenticeship, clerkship, or bar training (Katcher, 2006; Gower, 1950). In some countries, university study must still be supplemented by vocational training provided by a professional school under the supervision of the state or bar associations. Across these models, the role of the bar in training has strongly influenced the extent to which universities are responsible for practical education and has, in turn, conditioned the ease with which clinical legal education could be integrated into curricula.

The "balkanization of the legal professions" in many civil law countries has also shaped training requirements. Law graduates in these systems typically undergo a period of practical training often linked to a particular profession—whether as judges, lawyers, notaries, or bailiffs. Germany's extensive *Referendarzeit* program became the model for such mandatory post-university training (Merryman, 1985). This institutional dichotomy between theoretical (academic) education and practical (professional) training reflects the traditionally

abstract nature of civil law legal education and its rigid division of legal disciplines, with the ambition of presenting law as a comprehensive, systematic whole.

Modernization efforts in Europe and elsewhere usually aim to strengthen transversal competencies and practical skills (Gstrein, 2023). Yet despite broad recognition of their value, meaningful reforms have proven difficult. Rigid curricula and fixed faculty structures often leave little room for sustained clinical initiatives. Even where space is found, the involvement of legal professionals in clinics or other practical courses requires substantial funding, which is often lacking—particularly in underfunded public universities in civil law countries. Alternatives such as external project-based funding or voluntary pro bono collaboration between law schools and practitioners can help, but they are typically time-limited, dependent on enthusiasm, and struggle with issues of sustainability.

States' focus

Croatia

Croatia belongs to the group of civil law countries that pay lip service to the need for greater practical content in legal education, while in reality the situation remains unchanged or has even become somewhat worse. Empirical studies consistently confirm the desirability of a substantially more practice-oriented law curriculum, yet the academic program has barely evolved. Changes introduced so far are largely minor and cosmetic, designed to counter public perceptions that legal studies are impractical, tedious, and overloaded with rote learning. With a few notable exceptions that are currently under attack, such as the Zagreb Law Clinic (Uzelac, 2025; Uzelac & Brozović, 2023), student exposure to practice of law is limited to occasional, poorly prepared encounters with judges or lawyers who often replicate the style of academic lecturers rather than providing genuine practical skills.

The gap between academic and practicing lawyers appears to be widening. Law schools employ a surplus of academic staff, while student interest in legal studies is declining. Faculty members remain largely within the closed boundaries of their disciplines and are pressured by performance criteria emphasizing obligation to publish academic works and classroom teaching. Their engagement with practitioners is mostly confined to superficial social contacts meant to "tick the box" of practical involvement. Conversely, practitioners often dismiss legal scholars—particularly those engaged in critical analysis and reform—as detached "theorists" unfamiliar with legal reality. The curriculum itself is dominated by mandatory courses focused on "law in the books." Across the five-year program, the first four years allow virtually no space for electives or practical training.

Graduates typically require six to eight years to complete their studies. Those aspiring to elite professions—judges, attorneys, prosecutors—must then undergo two years of professional training in courts or law firms and pass a special "judiciary exam" (*pravosudni ispit*) administered by the Ministry of Justice. Characteristically, after lobbying by the profession, academic lawyers were expressly excluded from serving as examiners, allegedly because of their "high standards" and "distance from practice."

In parallel, professional organizations, such as the Croatian Bar Association, the Chamber of Notaries, and the Croatian Judges' Association, have created their own "academies," seeking control over continuing education and lifelong learning. Academics occasionally contribute lectures, but their role is marginal. As a result, while opportunities for meaningful collaboration between law schools and practitioners still exist, they appear to be narrowing rather than expanding.

France

During the monarchy, conditions governing access to the legal profession in France varied considerably from one bar to another. A royal ordinance of 1490 nevertheless established a requirement of five years of university study, a provision later supplemented by François I, who specified that candidates must possess a law degree. Due to the inadequacy of university instruction for legal practice, Louis XIV decided in 1679 to establish within every faculty of law a chair dedicated to teaching "French law as contained in royal ordinances and customary law," who were required to have practiced as either lawyers or judges for at least ten years (Biscay, 2015). These practitioners-turned-academics frequently encountered hostility from established professors, and this innovation disappeared with the re-establishment of universities following the Revolution. The university and the Palais (the collective term for the bar and the courts) were once again institutionally separated, while the Palais demonstrated limited engagement with the formal training of its members.

Certain informal practices had nevertheless existed, such as that of the *avocat écoutant* ("listening lawyer") who, upon being sworn in, would apprentice himself to a patron—a mentor whom he would accompany to hearings and from whom he would acquire professional skills. However, this arrangement constituted no formal obligation for newly admitted lawyers. Several bars organized rhetorical competitions to train young lawyers in eloquence.

Rather than committing themselves to systematic peer training, lawyers were more inclined to criticize universities for providing education deemed excessively theoretical. In response, the Dean of the Paris Faculty of Law in 1939 articulated a distinction between theoretical training (to be provided within universities) and practical training, which had "its place at the Palais," meaning it should be undertaken by legal practitioners themselves. This division of responsibilities became widespread following the Second World War across all legal professions, leading to the creation in 1958 of the *École nationale de la magistrature*

(National School for the Judiciary), *the écoles d'avocat* (lawyer training schools) under bar association oversight in 1970, and the *centres de formation professionnelle du notariat* (professional training centers for notaries) in 1973 under the supervision of notarial chambers (Aurey & Pitcho, 2021).

Subsequently, this institutional arrangement has remained largely unchanged. Although numerous legal professionals participate as lecturers in university programs, practical training for legal careers has been exclusively entrusted to professional schools. This division of responsibilities has become so deeply embedded within the institutional framework that it continues to impede the development of clinical legal education within French universities.

United States

Emboldened by the aforementioned ABA accreditation requirements (including a recent 2025 ABA proposal calling for doubling the number of required experiential credits from 6 to 12 (Brennan, 2025)), the adoption of student practice rules in every state, and significant external seed money funding from foundations and government to launch clinics from the 1970s to mid-90s (Barry, et al., 2000), virtually all ABA accredited law schools have clinics. The creation of entities in the 1990s, such as the Clinical Legal Education Association (CLEA), a non-profit organization serving as the advocacy arm of the US CLE movement, and the peer-reviewed *Clinical Law Review*, promoting scholarship on clinical pedagogy, experiential and service learning, lawyering theory, and clinical design, have further advanced CLE development and growth.

In 2022-23, there were 1512 distinct law clinics at US law schools (and a comparable number of law faculty teaching in clinics, including 1100 fulltime and others part-time or splitting clinic and non-clinic teaching duties). The median number of clinics at each school is

seven, and several law schools have 15 to 20 (or more) distinct clinics. All of these developments reflect significant progress toward longer term CLE institutionalization (Kuehn et al., 2024).

Nevertheless, third (and, perhaps, fourth) wave CLE challenges persist. An oft-stated goal of mandatory clinical education for all students consistent with a medical school model, or even guaranteed clinic, appears beyond meaningful attainment at present with only 37 law schools mandating clinic/externship and 19 guaranteeing clinic to all students who seek it (Kuehn, 2017). Progress towards equal, tenure-track status for clinical educators has stalled and even regressed somewhat over the past few years (Kuehn et al., 2024). Efforts towards racial and ethnic diversity of clinical faculty have also stalled with respect to certain historically subordinated groups; representation of African American, Latino/a and Native American clinicians even appear to lag behind the legal academy at large (CLEA Committee on Faculty Equity/Inclusion, 2019). Finally, the ABA mandated instruction in bias, racism and cross-cultural competency in a new Standard [303(c)] after the televised murder of George Floyd by police and what many in the US reference as the "racial reckoning" Summer of 2020. The standard specifically referenced the important potential role of CLE in meeting those instructional purposes (Bliss & Grant, 2025). However, the Trump Administration has issued multiple 2025 executive orders essentially prohibiting measures that portray America's racial history in a negative light, or promote diversity, equity or inclusion of persons from historically subordinated racial and ethnic groups (E.O.14151; 14253, 2025). It has also threatened the ABA with legal action and universities with research funding terminations for doing so, and the ABA has, in turn, suspended operation of this accreditation standard until at least August 31, 2026 (Sloan, 2025).

CONCLUSION

A significant takeaway from this comparative analysis of legal system influence on CLE is that there are no "cookie cutter" or "one size fits all" approaches to the development and sustainability of CLE in different countries. Significant variations in history, culture, legal system development and evolution, and temporal currents, dictate what is possible and desirable in each. Those variations are layered, fluid, and cannot be cabined simply to differences between civil law and common law legal systems, although the common law environment (particularly in the United States) still provides a much more fertile ground for the development of clinical initiatives. We come away from this examination with the realization of how much we can learn from each other about the influences of different legal systems, legal practices, and legal education institutions on the development, implementation, and sustainability of the global clinical movement.[4] Networks such as the Global Alliance for Justice Education (GAJE) and the emerging global clinical movement's emphasis on community-building and sharing of CLE experiences facilitate cross-national and cross-cultural commonalities that will inform the future of CLE around the world.

[4] In this regard, this chapter and Chapter 23, although written independently, are interlinked and complementary.