

Quality Indicators of Activities of Legal Clinics: Ukrainian Experience

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Abstract

This article describes the activities of legal clinics in Ukraine and also tries to analyze the indicators of the quality of their work. Theoretical categories that characterize the quality of their work have been investigated. Based on the results of the research, the models of evaluation of the activities of a particular legal clinic have been compared with those of other legal clinics of the region, state and other states. Assessment tools used for evaluating the activities of the legal clinics have been described here in this article.

Introduction

The legal clinical movement of Ukraine has a long history. Its origins can be traced back to the beginning of the twentieth century, when, according to some evidence, legal clinics existed at the University of St. Vladimir in Kiev. Legal clinics in the Soviet Union do not exist any longer. During the period between 1995 and 2014, about 100 legal clinics having different levels of organization, personnel training and traditions were created in Ukraine. A number of elaborate steps were incorporated in order to achieve a two-fold purpose, the regulation of the activities of the clinics and ensuring quality performance. These steps included the adoption of the model rules on law clinic devised by an educational institution set up by the Ministry of Education and Science of Ukraine, the development of the standards of legal clinics of Ukraine by the Association of Legal Clinics of Ukraine, the inclusion of the main provisions on legal clinical education into the draft concept for the development of legal education, the conduct of diverse educational activities and activities on exchange of experience between legal clinics.

Legal Clinics of Ukraine

Nevertheless, conducted studies indicate different levels of development in the legal clinics of Ukraine, a difference in the quality of their activities and their priorities. The term 'legal clinic' was used to denote a reception of political institutions and public organizations, socially oriented projects of law firms and the whole firm. Similar to its usage in Russia, for a certain period of time, the term legal clinics in

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Ukraine was used with quotation marks ('legal clinic'), making them ephemeral, unreal. Only in recent years, the legal and educational communities of Ukraine have developed a common understanding of legal clinics as a structural unit of the university, which trains specialists in the field of legal knowledge and serves as a base for the practical training of law students by providing free legal assistance.

There is a lack of comprehensive developments in the field of organization of effective activities for legal clinics. Scientific research and publications² often appeared in the 2000–06 period, when the Ukrainian network of legal clinics was in the process of formation and had not yet acquired specific national characteristics. These publications were mainly slightly adapted translations of Russian and English resources. More detailed information about the activities of the Ukrainian legal clinics began to appear in 2010, particularly due to the works of M. Lodzhuk, Y. Savelova, L. Dubchak and others. However, the administrative aspect and quality criteria of legal clinics in modern Ukrainian scientific resources are almost not characterized.

As a rule, each legal clinic operates individually and has its own organizational structure. In Ukrainian legal clinics, university education and human rights protection are usually carried out by lecturers of law faculties who teach legal subjects and simultaneously manage the legal clinic on a voluntary basis. Only some universities provide financial assistance to their legal clinics and formally appoint a legal clinic supervisor who receives remuneration for management activities in the clinic. This ensures that the supervisors of legal clinics spend more time on acquiring their own management skills, thereby improving the quality and effectiveness of their legal clinic.

In the organization of legal clinics, there are many important aspects. They include improvement of teaching methods, development of customer reception patterns, optimization of document flow, etc. These factors together with other principles constitute a method for effective quality management of legal clinics. Development of scientific provisions of theory and practice of legal clinics on the basis of quality, based on the needs of establishment of legal clinics as providers of state-guaranteed free legal aid, is especially relevant. After all, with the institutional support of free legal aid system in Ukraine, legal clinics as subjects of free legal assistance have to provide it on the qualitative level not worse than other similar state or public organizations. Representatives of one of the most developed legal clinics in Ukraine, which operates in the Odessa National Academy of Law, share this opinion.

Assessment of Activities of Legal Clinics

For the successful fulfillment of this research, which was carried out over a long period of time, we conducted a round of questioning of managers and students of legal clinics in Ukraine, Belarus and Russia,³ and organized a set of research experiments in search of optimal management technologies in

² M.V. DULEBA, ACTIVITIES OF 'LEGAL CLINICS' IN UKRAINE: WAYS OF DEVELOPMENT AND IMPROVEMENT, SCIENTIFIC-PRACTICE. GUIDANCES 158 (M.V. Duleba & K. Atika eds, 2004) (in Ukrainian); M.V. SAVCHYN, N.V. MENDZHUL & V.V. NAVROTSKYI, BASICS OF CLINICAL LEGAL PRACTICE: TEACHING GUIDE 180 (2007) (in Ukrainian); S. MOLIBOG, LEGAL CLINIC 104 (S. Molibog, D. Pavlenko & D. Brown eds, 2002) (in Ukrainian).

³ The questionnaire on the activities of legal clinics in Ukraine (2005). Completed questionnaires from 25 heads of legal clinics, 130 students and 154 people who applied for legal aid to legal clinics in Ukraine were obtained and processed. Processing of these materials allowed the author to formulate a position on the legal and administrative aspects of organization and activities of legal clinics in Ukraine.

The questionnaire for the register of legal clinics of Ukraine in the 2013–14 period. Data describing the status and the actual state of legal clinics in more than 60 universities in Ukraine were obtained; register of legal clinics of Ukraine was formed and placed in the public domain.

the work of legal clinics, the results of which were used in more than 10 legal clinics in Ukraine.⁴ The obtained results in a generalized form are presented in this article.

The obstacles that were encountered initially and proved to be important are: the naming of categories that are checked in a legal clinic and the naming of activities by which these categories are checked. Indeed, in scientific literature, different terms are used for this purpose.

Categories such as ‘monitoring activities’, ‘analysis of effectiveness of activities’, ‘audit of activities’, ‘assessment of effectiveness of activities’ and ‘assessment of quality of activities’ are used. We consider that the term ‘assessment of activities’ is more appropriate than ‘monitoring’ and the term ‘analysis of effectiveness of activities’ also occurs in specialized literature. Although these terms are used in practice, in reality, there are various stages in the process of the assessment of activities. The term ‘audit’ is acceptable in special financial literature and should not apply to social management because it does not address all the issues which are essential. Efficiency is just one of the components or areas of assessment. Therefore, the most appropriate term, which comfortably covers all the activities of inspection of the staff’s work, is ‘assessment of quality of activities’ because it fully characterizes the essence of these measures as well as their procedure.

Indicators That Can be Taken as a Basis for Assessment

As a result of an analysis of the scientific literature listed above and long-term law practice in the management of legal clinics in Ukraine, we developed a system of indicators that are appropriate for use during the assessment of the quality of such institutions. Indicators that can be taken as a basis for assessing the staff’s performance quality in legal clinics are: performance, productivity, timeliness and effectiveness.

The indicator ‘performance’ generally means an assessment of the achievement of planned and other results, which are important for an organization. The performance will be of a high standard when the maximum numbers of tasks are solved.

The indicator ‘productivity’ is detected by a comparison of obtained employees’ work results and the number of employees and involved representatives of a concerned organization that have achieved these results. Productivity will be high if results are achieved by minimal number of performers.

The indicator ‘timeliness’ (promptness) foresees an answer to the questions: Whether all planned activities have taken place at a certain time? Whether there was any delay, missing of deadlines, etc.?

The questionnaire on educational components of clinical legal education (2009). Completed questionnaires from 35 heads of legal clinics of Ukraine, Belarus and the Russian Federation were obtained. Processing of these materials allowed to develop the programme for the course ‘Legal Clinical Practice’ and the programme for the practical training of students in a law clinic.

⁴ We have conducted the following experiments:

1. on the approbation of the programme of practical training of students in a law clinic. Based on the results, position of the practice of students in legal clinic that is used in the practice of clinical legal movement of Ukraine was developed.
2. on the system of norms of academic workload of scientific and pedagogical staff which participate in the work of legal clinic as teacher-curators (the system of norms positively evaluated by the professional community is implemented in legal clinics’ activities and included in the standards of activities of legal clinics of Ukraine).
3. on the registration of forms of work of students in a legal clinic that took place at the National Academy of Internal Affairs and allowed to identify key criteria for evaluation of work of legal clinics’ staff in a single source (‘impact screen’); and
4. in development and approbation of 30 quality criteria of legal clinics. Summary of results of the experiment allowed to form main evaluation criteria by the classification groups: quantitative and qualitative, positive and negative, as well as the areas of activity of legal clinic.

In addition, within this indicator, it is possible to estimate the speed of task-solving that is important in some types of human activity. Timeliness complements other quality indicators and is considered to be at a high level if an absolute majority of events takes place, without delay, at the right time.

The most important indicator of quality is 'efficiency'. It is detected as a correct sequence of implementation of measures within each project, the ratio of spent efforts and resources to the achieved results and the total value of the completed project for society.

Accordingly, while assessing the performance, productivity, timeliness and efficiency, concerning social management, it is advisable to name this activity. As it appears for the aforementioned purpose, it is acceptable to use the category of 'quality,' which contains other indicators.

Assessment of Employee's Activity

Current research in the sphere of management activities demonstrates that qualified employees are the key to success of an organization.

We can talk about the presence of quality staff in a legal clinic when students and lecturers are well-prepared for the work they undertake, understand and share goals and objectives of the legal clinic and efficiently work in it for several years.

A review of the main characteristics of staff development for a legal clinic allowed us to create the basis for the study of mechanisms required for the assessment of the quality of activities of legal clinics. Thus, we have formulated a proposal for a systematic evaluation of the activities of legal clinics.

Model of Comparative Assessment of Legal Clinics' Effectiveness

Based on the fact that the results of the activities of legal clinics are a reflection of the work done by the team, a vast majority of legal clinics have similar activities. Most legal clinics in Ukraine are similar in organizational structure. In foreign states, there are similar legal clinic networks; the assessment of quality of their activities could be undertaken as a combination of the technologies of evaluation and comparison. This approach allows us to carry out a comprehensive analysis of the quality of legal clinics, thus, helping them to improve their activities and mutually promoting the development of human rights protective services.

For this purpose, we developed and tested a model based on similar approaches to the assessment of activities of collectives of organizations. We named this model 'MAIC', an abbreviation for 'Monitoring, Analysis, Implementation and Control'.

This model of assessments was properly organized in the case of a systematic use and combination with the scheme, taking into account the sequence of measures adopted for activities' assessment.

Staff groups of legal clinics in the aforementioned model are separate structural components, even if these structures are not organizationally separated. In such a case, the criterion of unification into groups will be: employee's performance of activities in different areas, for example, 'legal consulting', 'strategic cases', 'street law', etc.

It is obvious that the activities of legal clinics are creative. Therefore, it is difficult to assess them because cumulative results of the creative activity of a particular legal clinic consist of specific indicators of work for each student and teacher. However, based on the thesis that creative (qualitative) work should be assessed quantitatively, and cumulative assessment of the team can be obtained by an evaluation of each representative of the team, we have proposed a generalization approach to this complex process. Schematically, the sum of the coefficients of the quality of each member of a legal clinic is

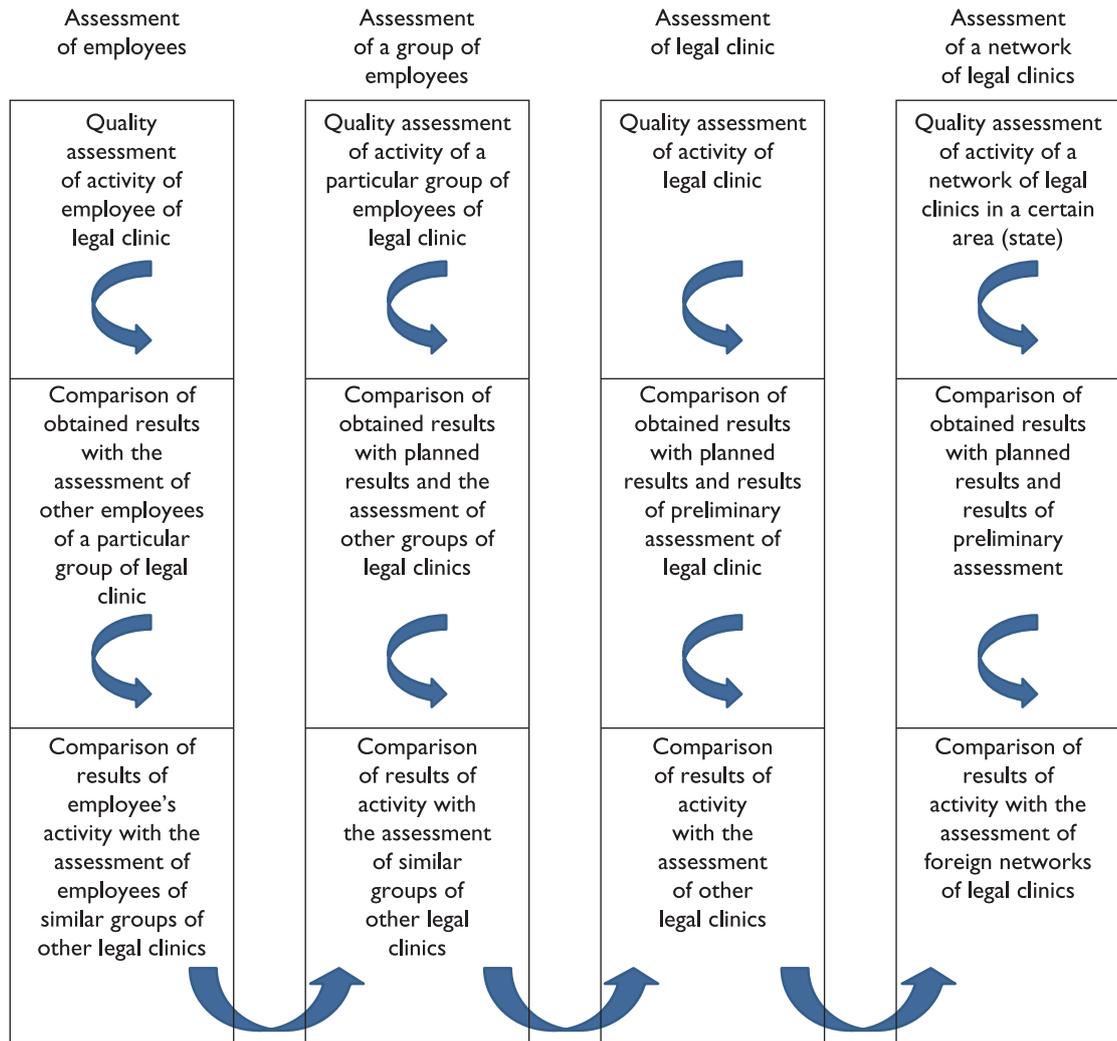


Figure 1. Suggested Model of Comparative Assessment of Legal Clinics' Effectiveness

Source: Author's own.

divided by their number and the coefficient of the efficiency of legal clinic. Moreover, the following should be taken into account:

1. Special features that are characteristic to the estimated legal clinic (e.g., current activities).
2. The number and ratio of the categories of activities at legal clinics, as well as specific features of assessment of the work in each category (because, as the survey carried out shows, the number of people in each category of staffs is different, sometimes there are special categories: psychologist, computer network administrator, etc.). Such ratio may also show excessive overload of organization by employees of not primary but serving areas.

Monitoring of Activities of Legal Clinics

The first stage of the monitoring of activities of legal clinics occupies a special place in the model 'MAIC' because further work on the estimation of staff activity will be based on the information collected during its implementation. If at this stage, incomplete or objective data will be collected, other stages of assessment of staff activity will be unsuccessful ahead of time. Systematic evaluation of legal clinics should be prepared in advance, since a comprehensive analysis of customer service should be based on long-term information, gathered prior to the direct evaluation.

Monitoring involves the search and identification of possible problems. These factors should be identified concretely and not in general (e.g., not legal advice, but the sequence of written registration of results of resolved issues). Only after receiving detailed information, it would be possible to determine its nature and identify ways of improving the activity.

In order to evaluate the activity in a more complex manner, it is recommended that a thorough inspection is carried out by the organization itself as well as third party experts.

Quality Criteria of Activities of Legal Clinics

With the goal to formulate concrete provisions on evaluation of the activities of legal clinics and also to provide such entities with tools for self-assessment, we conducted work on the formulation of quality criteria of activities of legal clinics. In total, we identified 30 criteria on the basis of which legal clinics are evaluated: (i) normative regulation of activity; (ii) the number of student-consultants; (iii) availability of regular workers; (iv) the number and quality of teacher-curators; (v) student-teacher ratio; (vi) legal clinics room; (vii) equipment for everyday work; (viii) copying technique; (ix) video equipment; (x) phone connection; (xi) base of legislation; (xii) correspondence possibility; (xiii) provision of disposable materials; (xiv) information on services; (xv) alternation in legal clinic; (xvi) opportunity to work continuously; (xvii) content and storage of counselling provided; (xviii) customer rating; (xix) training course on legal clinical education; (xx) functioning as a base of practice; (xxi) specialization of legal clinics; (xxii) records of cases in legal clinic; (xxiii) number of clients; (xxiv) archive of cases of legal clinics; (xxv) integration into clinical legal movement; (xxvi) professionals and staff publications of legal clinics; (xxvii) reporting on activities; (xxviii) reporting on activity on the internet; (xxix) joint activities with other institutions and (xxx) conducting quality analysis of activity.

The goal of the stage of monitoring of results is to resolve the following issues: Who are charged with this function? How to implement it? What are the issues that require special attention? The analysis requires an understanding of the problem, a definition of the reasons of success or failure of the activity, making a decision concerning the spreading of positive experience and the correction of negative manifestations. The analysis should be clearly stated and reasonably explained to performers because it will influence the success of the assessment of effectiveness.

An analysis of the monitoring should be carried out comprehensively and should involve both a summary of the quantitative measurements and a generalization of information on quality results.

We foresee several kinds of analysis of the effectiveness of the activities of legal clinics:

- by time of performance: (a) routine (performed in everyday activities) and (b) selected (performed in separate time segments or individual projects) and
- by the subjects of performance: (a) internal (performed by a legal clinic) and (b) external (performed by independent organizations).

Stages of Assessment

In a legal clinic, in our opinion, analysis and decision-making regarding the results should be conducted by a special evaluation committee and controlled directly by the management representative of an organization, university or a network of legal clinics. We believe that decisions made should be standardized in order to facilitate their understanding by employees.

The stage of implementation of the results of analysis of the staff activities of a legal clinic comprises actions for implementation of decisions taken during the analysis. Their main objective concerns the development of found positive effects or levelling effects of faulty actions in the near future and adjustment of faithful algorithms for actions for a distant time perspective.

The stage of control of application of measures involves re-evaluation and disclosure of information and an assessment of whether applied measures were successful or not. Control procedures are similar to disclosed actions on monitoring activities. Test results can be announced to the employees, both at regular and specially assembled meetings. It depends on what results were obtained.

The fundamental characteristic of monitoring is its permanent character. Although measures of inspection should be associated with clear, time or organizational (project) milestones, monitoring should take place regularly because after one period of time (project) comes another one. In case of situation monitoring, despite its economy in time and organizational costs, there are disadvantages associated with some temporary exemplary employee's performance and its 'slowdown' after inspection. Therefore, constant monitoring should be included in the corporate culture of legal clinics. In cases wherein continuous monitoring is reasonably organized and aimed at the assessment of results (assessment of performance), it does not require much time and effort from its subjects. Other components of evaluation (assessment of timeliness, productivity and effectiveness) may be periodically compared with data obtained due to assessment of performance.

Conclusions

Permanent storage of data on performance, productivity, effectiveness, efficiency of activity of employees of legal clinics and periodic generalization of such data will allow to determine real improvement or deterioration of labour, correct mistakes and incentivize legal clinics to achieve their long-term objectives which include a systemic increase in the level of professional legal education in connection with increasing availability of state-guaranteed legal aid.