

HELSINKI LAW CLINIC  
REPORT OF ACTIVITIES  
SPRING 2016



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## Introduction

The Helsinki Law Clinic (HLC) is a project launched at the Faculty of Law of the University of Helsinki in February 2016. In a nutshell, HLC is a course in which students have to deal with real clients on topics relating to migration, discrimination and start-ups. Thus, the Clinic has a twofold purpose, on the one hand it is a valuable learning experience for law students, who are given the chance to put their theoretical knowledge in practice by counselling real clients. On the other hand, the Clinic opens a space through which the Faculty offers a service to the community in need for legal advice. Moreover, the Clinic provides low threshold services, which means that students are not able to represent the client once the matter has been taken to court.

The project started to materialize with an introductory course which was taught in the autumn term in 2015. Here the students had teaching sessions dealing with ethics, migration, discrimination, start-ups as well as interviewing and counselling. After that, they had the chance to simulate all the process of consultation with clients from the interview, to the clinic discussion rounds, to the counselling.

In spring 2016, the project begun its pilot phase by opening the doors to real clients. Moreover, aside from counselling specific clients, the Clinic has also executed other related activities, namely "street law" sessions, as well as a seminar on "Law Clinics and Access to Justice." In this document we cover the period from the 20 of January to the 27 of May, which is all the duration of this 10 credit course.

## Who are we?

### Staff

The Clinic's staff is divided into teaching and administrative divisions. *María José Belmonte Sánchez*, a research assistant at Professor Martti Koskenniemi's project, is in charge of the administration of the Clinic. The teaching division is comprised by *Nadía Tapia Navarro* and *Ketino Minashvili*, both PhD candidates in international public law who have been part of legal clinics abroad; *Aleksi Seinonen*, masters of law student, working pro bono for the clinic, collaborating with the teaching work; and Dr. *Magdalena Kmak*, one of the initiators of the Helsinki Law Clinic project, who acts as the director of the team due to her broad expertise in the establishment and management of legal clinics.

The supervision of this project has been done by Dr. *Jarna Petman*, the Vice Dean for International Affairs and the teacher responsible for the discipline of public international law, discipline in which the Clinic is included.

### Students

Eighteen law students enrolled in the Helsinki Law Clinic course. Although the Clinic's work involves mainly national legislation, both Finnish and international student have been able to participate and enrich from each other's contributions. Most of our students had completed the introductory course to legal education offered in fall 2015.

The selection criteria for the admission in the course was the completion of certain basic disciplines, such as procedural law, as well as knowledge or experience in specific disciplines relevant for

the clinic, namely migration law, business law, or discrimination. In additions, students were required to send a CV and a motivation letter.

Having a separate selection process has guaranteed the selection of the best fit students for the team. First year student are not allowed to join the course since they are lacking the minimum requirements but they are encouraged to keep the Clinic in mind as a place to gain practical experience in legal training.

### Volunteer Lawyers

During the course, the Clinic had the valuable help of volunteer lawyers, whose consultations are an essential feature of the course. The volunteer lawyers responded to an open call which was distributed through different means, namely an email to the alumni of the Faculty of Law, as well as interviews made to teachers of the Clinic in different media, where they highlighted the need to get lawyers to collaborate in the project. Lawyers were required to send to the clinic information about their expertise and experience. During the autumn term lawyers who responded to the call were invited for a meeting with the teachers in order to get to know each other and talk about the different ways to contribute to the project. These different ways include:

- Teaching sessions on their specific expertise. In this line, we had teaching sessions on document drafting, as well as interviewing clients;
- Checking the legal memorandums produced by the students;
- Participating in our "round" sessions, by contributing to the discussions and giving their expert input to the cases.

For the autumn term, our active volunteer lawyers were *Mikko Tanskanen, Miika Pusa, Matti Rautakorpi, Helena Sahlstedt, and Janette E Ducran*.

### Partner Organizations

#### *Helsinki Think Company*

HTC is a space of the University of Helsinki, in which entrepreneurs and "change makers", as they define them in HTC, meet and share ideas. Since one of the Clinic's special topics is start-ups a partnership with the HTC was viewed as strategic from early on. The communication with them begun in October 2015, and led to meetings in which we defined two ways of collaboration: we would be able to use their venue to meet our clients, and to use it for street law sessions.

#### *Aalto Design Factory*

Aalto Design Factory is an "ideal physical and mental working environment for product developers and researchers". As it gathers a number of entrepreneurs and start-ups, it was also defined as a strategic partner from early on in the project. The communication with them begun in 2015, with a meeting in September, where we defined the way to collaborate. Similarly to the HTC, we collaborated in two ways: interview sessions with our clients and street law sessions in topics related to start-ups.

### *Luckan Integration*

Luckan, the Finland-Swedish Information and Cultural Centre, provides as part of their activities a variety of support for immigrants under their Luckan integration initiative. Since their activities are directed to immigrants, they were viewed as a strategic partner for the migration and discrimination branch of our project. Thus, we initiated communications with them during October 2015. We defined our collaboration in the same two ways described above: interviews, and street law sessions.

### *Ne-Rå*

Ne-Rå is an initiative working under the auspices of Kalliolan settlementti, where social work students provide guidance and counselling on social services and benefits and gives information about housing possibilities. We initiated our contact with them in October 2015. At that time, we agreed to refer cases to each other when they entailed topics which related to our work. Starting from the autumn semester 2016 they will also be collaborating with our project in the two ways described for the other organizations: interviews and street law sessions.

### *Where do we operate?*

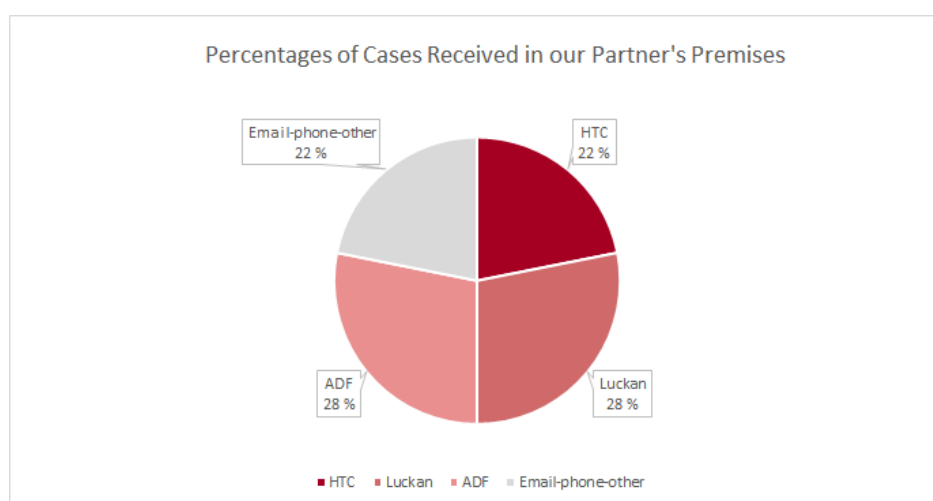
The Helsinki Law Clinic does not have, at the moment, its own office in which students could receive clients. This nonetheless has not been a great inconvenience or prevented us from developing our activities. As described above, we have established partnerships with three different institutions that have allowed us to use their premises for free, in order to receive new cases and to meet clients. These institutions are:

Helsinki Think Company: Every second Wednesday since 24th February until 18th May, Vuorikatu 3.

Aalto Design Factory: Every second Tuesday since 16th February until 10th May, Otaniemi campus.

Luckan Integration: Every Thursday since 25th February until 12th May, Forum office, Simonkatu 8.

Distribution of cases received can be seen in this graph.



Finally, the Helsinki University's Main Library has been used by the students as the meeting point for clients, especially for the final counselling meetings. Kaisa offers the opportunity of booking small private and quiet rooms for studying which the students have used as meeting rooms.

## Funding

During this pilot phase the project counted on few sources of financing. In the long term, as it is suggested in the section "Challenges and Suggestions for Improvement", sources of funding need to be secured. Below, we specify the different sources of funding for the project.

### Polish Consulate in Finland

The realization of the Clinic as a project could not have been possible without the financial and institutional support of the Polish Consulate in Finland. The Consulate has given the Clinic funds amounting 1490,24€ that have been spent in office supplies, book purchases and travel fees. As an exchange, the Clinic provides one hour a week of legal consultations in Polish by phone, and email handling and document drafting in Polish.

### Faculty of Law

The second partner institution is the Faculty of Law of the University of Helsinki. The Faculty of Law has provided us the necessary facilities for teaching the Clinic course, storing and confidential handling of case files, and financial support amounting to 740€.

### Teacher's Academy

This network of teachers have financially supported the Clinic's activities by giving us funds to organize travels abroad and to bring in international experts on Legal Clinical Education amounting 900€.

The total amount of contributions received can be seen below.

|                                | Polish Consulate | Teacher's Academy | Faculty of Law |
|--------------------------------|------------------|-------------------|----------------|
| Accommodation and travel costs | 67,90            | 1043              |                |
| Catering                       |                  |                   | 700            |
| Office materials               | 289,57           |                   | 100            |
| Book Purchases                 | 1132,77          |                   |                |
| Monetary Contributions Total   | 1490,24          | 1043              | 800            |
| <b>TOTAL</b>                   | <b>1843</b>      |                   |                |

## Marketing and Advertising

As an actor offering services to the community, the Clinic has put an effort to advertising its services within target communities, i.e. Start-up entrepreneurs and migrants. To begin with, Magdalena Kmak developed a logo (featured on the first page of this report) which attempts to synthesize the main idea of our service: a low threshold service open to all users.

In addition, a description of our services and counselling hours can be found in Helsinki Law Clinic's website: <http://www.helsinki.fi/helsinki-law-clinic/index.html>

Moreover, the Clinic has also made use of social media to communicate with our potential clients. In the Facebook account 'helsinkilawclinic' our events were advertised and shared. Currently our Facebook page has over 200 likes.

Finally, we also have a twitter account through which we share our events and connect mainly with the start-up community.

## Activities

### Case Work

#### *General description.<sup>1</sup>*

Cases in HLC are handled directly by students under the supervision of teachers and the counselling of lawyer mentors. Students work in groups of 3. The students were at the beginning of the course assigned to the groups in which they remained throughout the semester. Before receiving any cases, students were asked to read the document "Case Handling Protocol" and to sign a confidentiality agreement. Lawyer mentors and teachers also signed this document.

Cases may arrive at the clinic through different means, phone calls, email (all through our institutional channels) and drop in interviews at clinic consultation hours. Once we receive a case, the teachers assign it to the groups considering their expertise and taking care of maintaining a balanced workload among different groups.

During the first interviews, students must explain the procedure of the clinic to the client, including confidentiality issues, supervision by teachers and lawyer mentors, and communications. The client must sign a statement where he/she declares to understand the nature of the services provided by the clinic. In the first HLC session after the interview, teachers and students will decide whether the case is relevant for the HLC's purpose or if it should be referred to some other institution more suitable to the topic of the case.



*Picture taken in simulated interview sessions during Introductory Course.*

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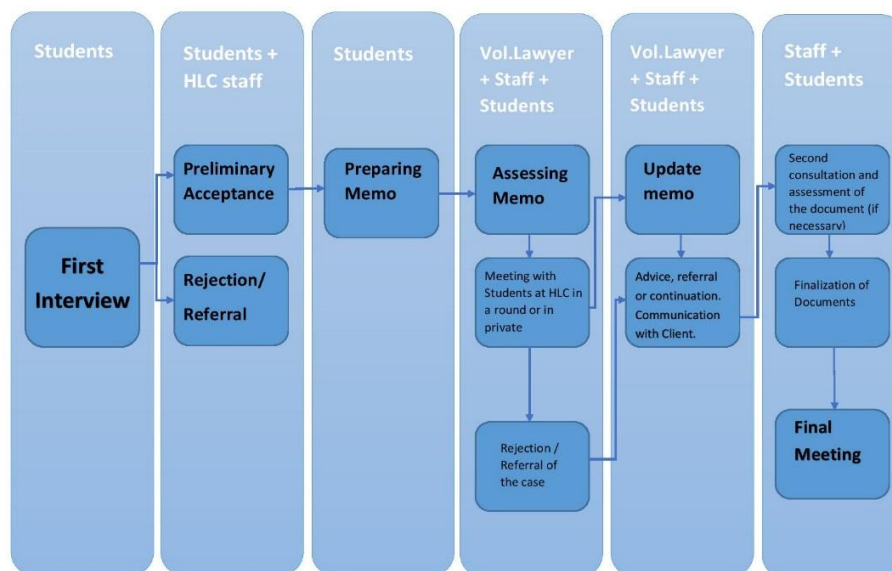
<sup>1</sup> The contents of this section are strongly based on the document "Case Handling Protocol" which is an internal tool that the students read and study in a session before starting receiving clients.

If the case is not referred to another institution, students will work on the basis of a legal memorandum, which will contain the facts of the case, the aims of the client, a legal analysis and a suggestion of possible answers to the client. A draft version of the memo is to be sent to the teachers, in principle, within a week. Finally, the draft is forwarded to volunteer lawyers for a review before a meeting with the client is scheduled for counselling.

All the cases are discussed and followed during the weekly sessions of the Course (commonly referred to as 'round sessions'). During these sessions, the students are encouraged to participate actively not only in the cases assigned to them, but also in the cases handled by the others students. During this sessions, students also received feedback from the lawyer mentors who participated in almost all the 'round' sessions. In some cases, the students where divided in two groups, one for startup topics and the other for migration and discrimination. This was done to allow a more detailed and participative discussion on the cases.

Finally, when the cases are ready and revised by the lawyers, the students are instructed to arrange a meeting with the client. In the meeting, they provide the counselling based on their work on the case. In most of the cases, they also provided a copy of the memo. In all cases, a confirmation of the counselling was required, namely, a signed copy of the memo, a document stating that the counselling was received, a copy of an email to the client.

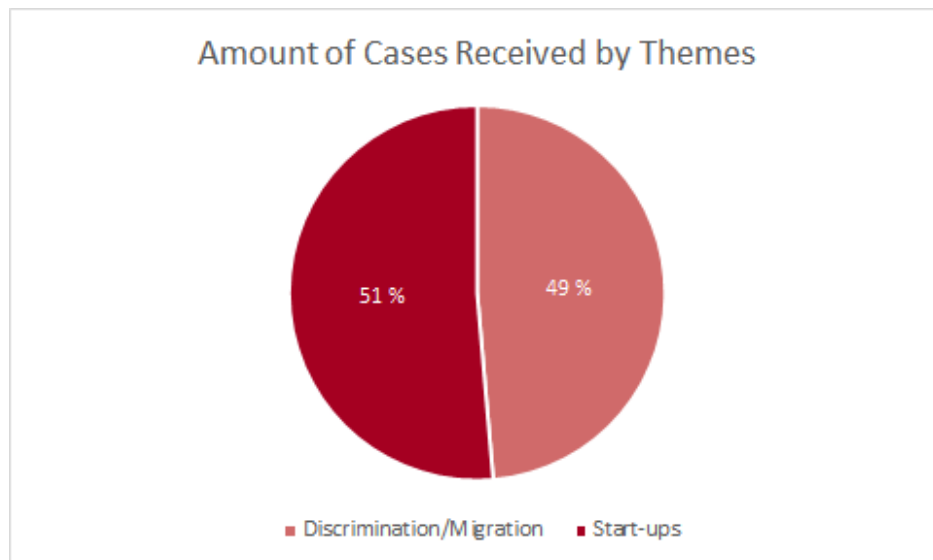
The following figure summarizes the process described:





### *Activities carried out during Pilot Phase.*

During the Pilot Phase we received a total of 36 cases. The chart below shows the way in which we received the cases.



Of all cases two (2) were referred to other institutions for not being relevant to our scope of work. Four (4) cases were closed because of inactivity on the part of the client. In the remaining 30 cases we managed to deliver our counselling service. The students held a total of 24 interview sessions (4 per group) at our partner venues and 18 counselling sessions. A total of 9 cases were counselled via email, while in the remaining cases other actions were taken (see below for examples).

Although initially we had envisioned that the total period from interviewing to counselling would be 2 weeks, this was hardly the case. In most of the cases the period was around one month, and sometimes even more. The reasons for this are diverse. As identified in the section "Challenges" we lack an appropriate software to administer the cases. This makes the process of communication inefficient, mainly because the teachers act as intermediaries for all communications between clients and students, and between students and lawyers. Moreover, the sessions were scheduled on Fridays, while the interviews with the clients took place on Tuesdays, Wednesdays and Thursdays. This meant that for the Tuesday interviews, no decision was taken until Friday, adding unnecessary delays to the process. Another source of delay was the need to review the memo more than one time by the lawyers. Sometimes there were problems to communicate with the clients to ask for further clarifications of the facts of the case, and difficulties to arrange interviews, which lengthen the process of counselling.

With all these difficulties, we considered the case work as successful. While most of the cases were counselled in the meeting with the client, in some special cases we also drafted documents for the clients, or carried out other activities on their behalf. Among these, it is worth mentioning a meeting held with the Parliamentary Ombudsman; the development of a template complaint for short notice invitation for interviews for asylum applications; the conduction of one street law session aimed at

familiarizing asylum seekers with the process of complaints in Finland while they waited for their asylum decision (in this case we also counted with the help of one volunteer interpreter to Arabic).

The feedback from the clients was positive. Here we share some examples (for confidentiality purposes we include the initials of the client):

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*"Thank you for your message and great work! All the guidance you provided was clear and precise, thus I didn't have any further questions." (M.Z.)*

*"Many thanks for the brilliant work you done - great job!" (S.G.)*

*"Thank you for the feedback, its very extensive and insightful." (S.M.)*

*"Thanks a lot for your support, what you are providing is a great deal for people who need help and don't know how to act and react." (C.Z.)*

*"We are extremely happy for your contribution and expertise at Helsinki Law Clinic. Your help has been very valuable for us and it is now much easier to continue from here. We will warmly recommend HLC to anyone we know that might need your services!" (V.S.)*

*"The value of The Helsinki Law Clinic for our team was indisputable for the following reasons. Firstly, we were able to meet with the Law Clinic very quickly and seek guidance for our burning issues. This service was approachable and seemed like the appropriate level of guidance we needed for our potential startup. Secondly, the Law Clinic deciphered the legislation into regular speech and gave us a landscape of the legislation surrounding our issues. Lastly, and what illustrates the Law Clinic most appropriately, they admitted they were students, but simultaneously they were able to give us follow-up steps for our issues and recommendations for appropriate legal counsel." (M.P.)*

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## Street Law Sessions

### *General description.*

Street Law is a teaching model aimed to bring knowledge of practical law to ordinary people on the streets. The core idea is to make legal principles and practical legal knowledge understandable and meaningful to secondary school students and other non-specialist.<sup>2</sup> The model begun in 1972 with law students in the US, but it has been applied since in South Africa, Latin America and other places.<sup>3</sup> Today, it is a diverse and dynamic model applying in different settings. While there are clinics entirely dedicated to Street Law, in the Helsinki Law Clinic, we decided to incorporate this teaching model into our activities by organizing different teaching sessions on practical matters. Students of the Clinic were required to have at least one street law session per group.



### *Activities carried out during Pilot Phase.*

During the first weeks of the course, the students were prepared with a teaching session dedicated to introduce the model of Street Law. Here, the students were taught how to draft a lesson plan, which was a requirement of each session. The students independently prepared the sessions and received feedback from the teachers on their teaching methods and approach. The sessions were entirely conducted by them.

Moreover, although students were required to do at least one street law session per group, some groups were particularly motivated by this activity and decided to carry out more than just one session. In total we conducted 9 sessions. The themes of the sessions were chosen by the students and dealt with issues that they had studied in particular cases. Thus, the activity was a way to disseminate the knowledge acquire in a particular case, but which was likely to affect other people as well.

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<sup>2</sup> David Mcquoid-Mason et al 'Public Education About Human Rights, Law and Democracy: The Street Law model' in Rekosh, Edwin et al (eds) *Pursuing the Public Interest (PILI, 2001)*

<sup>3</sup> David Mcquoid-Mason, 'Street Law as a Clinical Program: The South African experience with particular reference to the University of KwaZulu-Natal' 17 (2008) *Griffith Law Review* 1, 40.

The migration/discrimination groups conducted the following sessions:

- "What to do when waiting for your asylum decision?" - February 17 at Luckan Integration.
- "Negative decisions on asylum application: What to do?" - February 22 at Koskela Reception Center.
- "What to do when things go wrong: Asylum seekers and complaints" - April 28 at Luckan Integration.

The start-up groups conducted the following sessions:

- "Shareholders agreement: Part I" - 12 April at Aalto Design Factory.
- "Starting your business right: Introduction to corporate forms" - April 26 at Aalto Design Factory.
- "Be sure in your future: Dealing with pension insurance issues in start-ups" - April 20 at Helsinki Think Company.
- "Your start up is worth investment: Introduction to drafting investment agreements" - May 10 at Aalto Design Factory.
- "Shareholders Agreement: Introduction" - 25 May at Aalto Design Factory.
- "Why do we need shares at LLC?: The importance of shares as a financial instrument" - 31 May at Helsinki Think Company.

### Conference

During the spring semester and with the initiative of the Polish Consulate, the Clinic has prepared an event on "Law Clinics and Access to Justice". This event combined the theoretical and practical aspects of the legal clinical practice in different countries and was a great platform to get to know the experiences and challenges of other clinics in Europe.



For the event, we brought in *Magdalena Olczyk* (Kozłminski University, Poland), *Enrica Rigo* (University Roma Tre, Italy), *Saqib-Razo Razaq* and *Siri Sofie Eng Rudå* (Juss-Buss, Norway); who presented their experiences in working in legal clinics in their countries from a practical and institutional point of view. Their views were complemented by the experiences of the students from the Legal Clinic at the Roma Tre University, students of the Helsinki Law Clinic, University of Helsinki and the representative from Pykälä Legal Aid Committee.

The event closed with the practical experiences from *Juulia Tuomala* (Legal Aid Office, Turku, Finland), *Markus Himanen* (Freedom of Movement Network) and *Heli Aali* (Refugee Advice Centre, Finland). The conference was a joint effort between Dr. Kmak's project, and the Helsinki Law Clinic that was followed by around thirty participants comprising different backgrounds, from students, to practitioners and diplomats.<sup>4</sup>

### Leaflets

As a way to create a knowledge that can be transferred to our clients as well as to the next generation of students of the Clinic, during the last month of the autumn term, students dedicated time to select recurrent topics and prepare leaflets with basic and practical information on them. As a result of this activity, 14 leaflets were prepared including the following subjects:

Migration/discrimination: "EU citizen rights"; "Asylum seekers right to work and self-employment"; "Residence permit based on family ties"; "Study based residence permits"; "Discriminative pricing on hairdressing services".

Startups: "Shareholders Agreement"; "Patents"; "Overview of Company Forms I: Limited Liability Company"; "Company Forms II: Proprietorship and Cooperatives"; "Company Forms III: Partnerships"; "Protection of Private Data and Non-Disclosure Agreements"; "Pension Insurance for Entrepreneurs I"; "Pension Insurance for Entrepreneurs II"; "Copyright Protection for Software".

## Challenges and suggestions for improvement

### Institutionalisation

The Helsinki Law Clinic is still a new initiative. Yet, it has received a very welcoming response from the target groups who have found the service in unexpectedly large numbers. It seems likely that the HLC will, before long, have a well-established position among the potential clientele and beneficiaries, including law students.

However, the organisational structure of the project remains comparably thin relying largely on uncompensated input from a few devoted persons/volunteers who bear the increasing amount of administrative work and teaching (Magdalena Kmak will leave the project by the end of the year due to her new position).

Unlike regular teaching courses, the clinic project is time consuming and it involves a great deal of coordination work. While the preparation of each round session is perhaps less time consuming than regular lectures, it is the everyday work which is overburdening. The clinic requires constant

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<sup>4</sup> See the poster of the event in the appendix.

communication with students, lawyers, partners and clients, review of written materials (memos), provision of guidance and feedback as well as coordination of activities. The current structure is too weak and unsustainable in the long term *vis a vis* the potential of this project to grow. The two teachers more involved in the work of the Clinic, spent an average of two working days (15 hours) a week working in the Clinic since it began to receive cases, while the administrative assistant spent 8 hours a week working for the Clinic. Thus, to guarantee the long term continuity of the project it would greatly benefit from more tight integration into the university structures and resources.

Moreover, some involvement of the university teachers, specialists in their fields, would almost be expected (not least by the clients). The cases received by HLC often involve questions of law beyond the fields of migration and corporate law and an opportunity to consult a specialist within the university would be valuable support and potentially a mutually interesting and beneficial exercise. Ideally, also a full or part time coordinator would be assigned to the project for administrative tasks.

Apart from human resources, a proper case management software would be indispensable aid in tracking the developments with the cases. The current system of using a spreadsheet is too vulnerable and inefficient. If such software could provide a limited access also to students this would greatly reduce the required administration. In any case, an acceptably secure network drive should be available for the students to be able to work on a shared file on the server instead of saving version on personal computers and emailing draft version within a work group.

### Quality of service

The nature of the service is well explained and generally well understood by the clients. Although expectations are not, indeed cannot be as high as with professionally provided legal counsel, certain standards and unanimity should be guaranteed. Currently, the standard is ensured by the review procedure by practicing lawyers. However, the comprehensiveness of the review varies between volunteer lawyers and also depends on the quality of the memo sent for review. Perhaps the greatest challenge has proved to be to deliver a timely advice for the client. In many cases further review of the memo has been necessary and the two week time frame for processing the case has been too ambitious. In a way of a remedy, a more detailed time-line for the processing of cases, including deadlines for the lawyers, should be agreed. An initial review of a memo by a person familiar with the substance, whether a tutor or a teacher, should reduce the need for a second review by the lawyer and also reduce the work required from them. Opportunity to consult university specialists would be essential in this respect as well. Furthermore, as recruitment of new volunteer lawyers becomes actual, the decision on required credentials will need to be taken. The most straightforward option would be to accept only members of bar but this may excessively narrow the field.

In order to tackle these problems, we have already taken two actions. A call has been made among the alumni of the Clinic to participate as tutors during next term. This should allow a closer supervision of the development of the memos, which should allow us to shorten the times for counselling our clients. A second action is the development of leaflets (see above an explanation and description of this activity) which should allow the students not to spend too much time with broad and repetitive questions and focus on the specificities of each case, thus reducing the amount of time dedicated to each memo.

## Cases

As HLC is becoming well known an increasing number of clients is likely to approach the service. This will either require to process the cases more efficiently or decline to take new cases – or both. With the aforementioned changes productivity may be somewhat enhanced. In addition to the number, also the nature of accepted cases may require further guidelines. While we aim at reserving the services of HLC to clients who otherwise would not be in a position to seek for legal assistance in their case, we need to further develop a way to guide the decisions in each case (e.g. define specifically in which stage the start-ups need to be in order to receive our services)

## Working methods

Students work with each case in groups and in principle agree amongst themselves how to share the work. Because of the nature of the course many of the students are willing to contribute more than strictly required for passing the course. On the other hand, students come from various backgrounds and with varying knowledge of the Finnish legal system and language. This created certain imbalances in the way the work was distributed within each group but also makes evaluation challenging. Close supervision of the case work and meetings with student-mentors should prove helpful. Moreover, during the next term, we will conduct an intense three-day training where we will address the issue of group work.

## Summary and Conclusions

The Helsinki Law Clinic project can certainly be considered as successful during its pilot phase. The team and the students of the HLC have studied a total of 36 cases, held a total of 9 street law sessions, and produced 14 leaflets which will continue to be used by students during the next term. Moreover, the HLC has successfully managed to position itself as a relevant actor in the topics of migration/discrimination and start-ups by providing professional counselling services and conducting street law session in the venues of our partners.

Nonetheless, as shown in the previous section the pilot phase has showed important challenges to be overcome during our next term. While some measures have already been taken to overcome these challenges, there are necessary measures that need to come from the University. As said before, other members need to join our team, such as more volunteer lawyers, student-mentors, and other members of the Faculty specialist in specific topics. Furthermore, as said in the previous section, the conditions under which this course is carried out also need to be improved, and institutionalized within the University.