

CRISTINA PONCIBÒ*

BEYOND DICHOTOMIES:
INTEGRATING SOCIAL AIMS AND MARKET
CONSIDERATIONS IN EU LEGAL CLINICS

ABSTRACT. Legal clinics in the European Union find themselves at the intersection of social aims and market considerations, navigating a delicate balance to fulfil their mission effectively. While their primary focus is to serve the social good and promote access to justice, they also need to consider the market realities of the legal profession. The Start-up Legal Lab at the Law Department of the University of Turin aligns with the proposed approach by embracing both market-oriented experiential practice and the pursuit of social aims. This approach recognises the interconnectedness of these two aspects and acknowledges that they should not be treated as separate or opposing forces. This approach leads to innovative solutions, a deeper understanding of legal issues, and ultimately, a more just and equitable legal system.

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* Full Professor of Comparative Private Law, Turin University. The reflections for this article were developed in the context of Jean Monnet Module 101047650, RETEL, ERASMUS-JMO-2021-HEI-TCH-RSCH, ‘Reshaping Education for Tomorrow’s European Lawyers’.

1. *Introduction*

Legal clinics within the European Union (EU) find themselves situated at the convergence point of social objectives and market considerations, deftly navigating a nuanced equilibrium to effectively accomplish their mission.

Traditionally, legal clinics have been driven by a strong commitment to social justice and a desire to level the playing field for those facing legal challenges. However, this noble mission does not exempt them from grappling with the practical considerations of running a successful legal practice. Embracing market considerations does not equate to compromising their core values. Instead, it enables them to build a stronger foundation for their operations, ensuring continuity and expanding their reach to assist more individuals in need. By approaching their work with a strategic mindset and a keen awareness of market dynamics, legal clinics can effectively harness resources to maximize their positive impact.

At the Law Department of the University of Turin, the Start-up Legal Lab stands as an exemplar of the comprehensive approach that seamlessly intertwines social objectives and market-driven practices. This innovative initiative recognizes that social welfare and market viability are not mutually exclusive. In fact, they can fuel each other's success and create a powerful synergy. By providing students with experiential learning opportunities that bridge the gap between theory and practice, the Start-up Legal Lab equips future legal professionals with the necessary skills to excel in both social justice advocacy and the competitive legal market. Graduates from this experimental learning course emerge not only with a deep understanding of the law, but also with a keen awareness of the business aspects of legal practice, making them versatile and adaptable legal practitioners.

The approach embraced by the Start-up Legal Lab promotes a comprehensive and interconnected understanding of the legal landscape. It acknowledges that societal challenges and market realities are intertwined and that addressing legal issues requires a multifaceted perspective.

This approach is essential to effectively tackle the complex problems faced by legal clinics and the broader legal system. By considering all perspectives and embracing the inherent interplay between social aims and market considerations, the legal

profession can foster innovative solutions that enhance access to justice, streamline legal processes, and create a more equitable and inclusive legal system. When legal clinics and legal professionals unite their efforts, drawing upon both their social commitment and market-oriented strategies, they can drive lasting positive change and promote a more just society for all.

2. *Social justice: a reality check*

Legal clinics in the EU aim to enhance students' practical skills, professionalism, ethical awareness, and social responsibility, while contributing to access to justice and the provision of legal services to underserved individuals or communities.¹

In contemporary legal education, legal clinics serve as practical learning environments where law students can gain hands-on experience by working on real cases under the supervision of experienced attorneys. These clinics can be structured in different ways, and the structure can influence the goals and outcomes of the clinic experience.²

One approach to structuring legal clinics is to focus on stimulating students' imagination on how to defend the weak and marginalised. In this approach, the clinics may prioritize cases that involve individuals or groups who face legal challenges and lack access to adequate representation. The aim is to instil in students a sense of social justice and a commitment to using the law as a tool to protect and advocate for the rights of vulnerable populations. By working on these types of cases, students can develop empathy, critical thinking skills, and a deeper understanding of the societal implications of legal issues. This approach to legal clinics focuses on social justice and advocacy for disadvantaged individuals or groups. The clinics aim to create an environment where students can explore and challenge systemic inequalities. They may

¹ C Ashford and P McKeown (eds), *Social Justice and Legal Education* (Cambridge Scholars Publishing 2018).

² A Alemanno and L Khadar (eds), *Reinventing Legal Education. How Clinical Education is Reforming the Teaching and Practice of Law in Europe* (CUP 2018).

prioritise cases involving issues such as poverty, discrimination, access to healthcare, housing, immigration, or criminal justice reform. In these clinics, students learn to empathize with clients who may face significant barriers to justice. They develop skills in legal research, analysis, and creative problem-solving to craft strategies for defending the rights and interests of marginalized populations. Students are encouraged to think critically about the law's impact on society and explore alternative legal frameworks or strategies to address systemic injustices.

In the realm of social justice, the concept is far from one-dimensional. It encompasses a rich tapestry of interconnected dimensions, each addressing different aspects of inequality, discrimination, and the pursuit of fairness and equity. Social justice recognizes that achieving a just society requires a comprehensive approach that spans various domains of life. One aspect of social justice is distributive justice. It calls for an equitable allocation of wealth, income, and essential resources to address socioeconomic disparities and ensure that everyone has access to basic needs and opportunities. Distributive justice aims to create a society where no individual is left behind due to circumstances beyond their control. Economic justice is another vital element of social justice. It strives to address economic inequalities and create a more equitable economic system. Economic justice entails fair wages, equitable access to employment opportunities, social safety nets, and the reduction of wealth gaps. Its goal is to ensure that individuals and communities have the necessary means to thrive and participate fully in society, regardless of their socioeconomic background.

Racial justice is an integral part of the social justice discourse. It focuses on the elimination of systemic racism and the promotion of equality and fairness among all racial and ethnic groups. Racial justice seeks to dismantle racial disparities in areas such as education, employment, criminal justice, housing, and healthcare. By addressing these disparities, it aims to create a society where individuals are not discriminated against based on their race or ethnicity, and where everyone has an equal opportunity to succeed.³

Gender justice is yet another dimension of social justice. It centers on the

³ Ashford and McKeown (n 1).

elimination of gender-based discrimination, oppression, and inequality. Gender justice challenges gender norms, promotes equal rights and opportunities for all genders, and addresses issues such as gender-based violence, wage gaps, and limited access to resources and decision-making power. Its goal is to create a society where gender does not determine one's access to opportunities, rights, or social standing.⁴

Recently, environmental justice is an evolving dimension of social justice that highlights the fair distribution of environmental benefits and burdens.⁵ It addresses environmental inequalities that disproportionately affect marginalized communities, such as exposure to pollution or lack of access to clean water and green spaces. Environmental justice advocates for the right to a clean and healthy environment for all, recognizing that marginalized groups often bear the brunt of environmental degradation and should have an equal say in environmental decision-making. Access to justice is yet another critical aspect of social justice. It encompasses equal access to the legal system, fair treatment under the law, and protection of fundamental rights and liberties. Legal justice seeks to ensure that legal institutions are impartial, laws are applied equitably, and individuals have access to legal representation and a fair judicial process. It aims to create a society where justice is not influenced by one's social status or power but is accessible to all.

These dimensions of social justice form a complex and interconnected web, each contributing to the pursuit of a more equitable and inclusive society. They underscore the multifaceted nature of social justice and highlight the need for a comprehensive approach that addresses different forms of injustice across various domains. By recognising and actively working towards achieving social justice in all its dimensions, societies can strive towards a fairer and more just future for all.

⁴ Ibid.

⁵ Ibid.

3. *Market-oriented legal clinical education*

It is therefore true that legal clinics can also be structured with the primary goal of professionalising law students and preparing them for the legal market.⁶ In this approach, the clinics may prioritize cases and legal areas that are in high demand and offer lucrative opportunities for future employment. The emphasis is on developing practical skills, such as legal research, writing, client counseling, and courtroom advocacy, that are valued by employers in the legal industry. The idea is to equip students with the tools they need to excel in their legal careers and meet the expectations of the market. This approach to legal clinics focuses on preparing students for the demands of the legal profession and the current market. These clinics prioritise areas of law that are in high demand and offer potential job opportunities. Examples may include corporate law, intellectual property, technology, real estate, or financial services. In these clinics, students gain practical experience by working on cases that reflect the types of legal issues they may encounter in their future careers. They develop skills in legal research, writing briefs, client counseling, negotiation, and courtroom advocacy. The clinics may also emphasise professional development, networking opportunities, and connections with potential employers to enhance students' job prospects.⁷

It is important to note that the two approaches to clinical legal education based on social justice and market are not mutually exclusive, and many legal clinics incorporate elements of both. They can provide students with a well-rounded education that combines the pursuit of social justice and the development of practical skills. Ultimately, the specific structure and goals of a legal clinic will depend on the educational institution's values, the needs of the community it serves, and the resources available. Many legal clinics strive to strike a balance, incorporating elements of both approaches. For example, a clinic focused on social justice may also incorporate practical skills training to equip students with the tools they need to effectively advocate for marginalised communities. Ultimately, the structure and emphasis of a legal clinic

⁶ D Blázquez-Martín, 'The Bologna Process and the Future of Clinical Education in Europe: A View from Spain' in FS Bloch (ed), *The Global Clinical Movement: Educating Lawyers for Social Justice* (OUP 2011).

⁷ Alemanno and Khadar (n 2).

depend on the educational institution's priorities, the needs of the community, and the values of the legal profession.

4. *Comparative perspectives*

The two different concepts of legal clinics, i.e. stimulating imagination to defend the weak and marginalised, and professionalising students for market demand, can sometimes be in tension with each other, but they do not necessarily have to conflict.⁸ The following sections discuss these tensions by comparatively examining perspectives about US and EU legal clinical education.

4.1. *US perspectives*

The history of legal clinics in the United States is marked by a rich and impactful evolution, driven by the pursuit of social justice and the need for practical legal education.⁹ It encompasses significant milestones, movements, and shifts that have shaped the landscape of clinical legal education in the country.¹⁰

The roots of legal clinics can be traced back to the late 19th and early 20th centuries, influenced by the settlement house movement. These early clinics operated within settlement houses, which provided social services to immigrant communities. Recognising the legal needs of these marginalized populations, legal clinics emerged as an integral part of the settlement house movement, offering legal aid and assistance.

One of the most significant milestones in the history of legal clinics is the establishment of the Boston Legal Aid Bureau in 1900. Reginald Heber Smith founded the bureau with the belief that law students, under proper supervision, could provide legal assistance to low-income individuals. This pioneering model became a blueprint for future legal clinics across the country.

The 1960s and 1970s witnessed a surge in the growth and recognition of legal

⁸ Ibid.

⁹ Ibid.

¹⁰ JP Ogilvy, 'Clinical Legal Education: An Annotated Bibliography (Third Edition)' (2005) 11 *Clinical L Rev* 2.

clinics, fuelled by social and legal reform movements. The civil rights movement, the War on Poverty, and the broader social justice movements of the time emphasized the need to address the legal needs of disadvantaged communities.¹¹ In response, law schools began integrating clinical programs into their curricula, offering students hands-on experience and the opportunity to work with marginalized populations. A pivotal moment in the history of legal clinics came in 1974 with the release of a report of the American Bar Association.¹² This influential report called for increased clinical education, bridging the gap between legal education and practice. The report's recommendations provided legitimacy and institutional support for clinical legal education across law schools.¹³ Over time, legal clinics in the US diversified and specialized to address a wide range of legal needs. Clinics emerged in various legal areas such as criminal defense, immigration, family law, environmental law, and more. Some clinics focused on serving specific populations, such as veterans, immigrants, or victims of domestic violence, recognizing the unique legal challenges faced by these groups.

In such a context, legal clinics have played a significant role in expanding access to justice for underserved populations.¹⁴ By providing free or low-cost legal services, clinics empower individuals who would otherwise lack representation. They contribute to reducing inequalities in the legal system and promoting equal access to justice, embodying the commitment to social justice that underpins clinical education. In addition to their impact on access to justice, legal clinics serve as training grounds for law students. Through direct client representation, students gain practical skills, develop ethical judgment, and enhance their understanding of professional responsibility. Legal clinics provide a bridge between the classroom and real-world legal practice, preparing

¹¹ J Giddings and others, 'The First Wave of Modern Clinical Legal Education: The United States, Britain, Canada, and Australia' in Bloch (n 6).

¹² ABA, 'Approval of Law Schools: Standards, Procedures, and the Future of Legal Education' (1974) 72 *Michigan Law Review* 1134.

¹³ ES Milstein, 'Clinical Legal Education in the United States: In-House Clinics, Externships, and Simulations' (2001) 51 *Journal of Legal Education* 375.

¹⁴ J Frank, 'Why Not a Clinical Lawyer School?' (1933) 81 *University of Pennsylvania Law Review* 907.

students for their future careers as compassionate and competent lawyers.¹⁵

Nowadays, legal clinics in the United States continue to play a vital role in legal education and access to justice initiatives, adapting to the changing legal landscape and the evolving needs of communities.¹⁶ They have evolved to meet the demands of a complex and diverse society, embodying the commitment to social justice and practical legal training in the US and the EU.¹⁷ In fact, the role of social justice remains a fundamental and integral aspect of legal clinics.

While the specific emphasis may vary across different clinics and contexts, social justice continues to be a significant guiding principle in clinical legal education. Legal clinics have historically been grounded in a commitment to social justice, aiming to address the legal needs of marginalized communities and promote access to justice for all individuals, regardless of their socioeconomic status or background. This commitment to social justice is driven by the recognition of systemic inequalities, discrimination, and structural barriers that affect individuals and communities. Therefore, it is worth noting that, in clinical legal education in the US, the role of social justice is multifaceted. It encompasses providing legal assistance to underserved populations, challenging systemic injustices, advocating for policy reforms, and working towards equitable outcomes. Clinics also nurture a wider sense of social responsibility and a commitment to using the law as a tool for positive social change. They encourage students to critically analyse the root causes of legal problems and explore strategies for systemic reform. By engaging in direct client representation and the impact of social injustices on individuals, lives.¹⁸

Additionally, it is important to recognise that the emphasis on social justice may vary across different clinics and institutions. Some clinics may have a stronger focus on direct service provision and immediate legal needs, while others may place more

¹⁵ Bloch (n 6).

¹⁶ Harvard Law School has 36 clinics to choose from: Harvard Law School, 'Clinical Programs' <<https://hls.harvard.edu/clinics>> accessed 14 July 2023.

¹⁷ RJ Wilson, 'Training for Justice: The Global Reach of Clinical Legal Education' (2004) 22 Penn State International Law Review 5.

¹⁸ RJ Wilson, *The Global Evolution of Clinical Legal Education. More Than a Method* (CUP 2017).

emphasis on systemic advocacy and social reform. The balance between these priorities can depend on various factors, such as the clinic's mission, the specific legal needs of the community served, available resources, and the institutional context.

Thus, it is essential to note that while social justice remains a central value, there can be practical considerations in clinical legal education. These considerations include equipping students with practical skills, preparing them for the demands of the legal profession, and responding to the evolving legal market. The aim is often to strike a balance between social justice goals and professionalisation, recognising the importance of both aspects in preparing students for their legal careers. In contemporary society, the understanding of social justice has evolved to encompass a broader and more nuanced perspective. While the core principles of equality, fairness, and addressing systemic injustices remain foundational, new understandings of social justice have emerged to reflect the complexities and intersections of various social, economic, and cultural factors.¹⁹

4.2. EU perspectives

In the EU, the expression 'legal clinic' does not have a universally standardised definition.²⁰ However, legal clinics in the EU generally refer to educational programs or initiatives within law schools or universities that provide law students with practical training and hands-on experience in the field of law. Legal clinics offer students the opportunity to work on real cases, under the supervision of experienced lawyers or faculty members, and engage with clients to provide legal assistance, advice, and representation. The specific focus, structure, and objectives of legal clinics can vary across different countries and institutions within the EU. Some legal clinics may emphasize social justice issues, while others may focus on specific areas of law, such as human rights, immigration, environmental law, or business law. The scope of services provided by legal clinics can also vary, ranging from legal research and analysis to

¹⁹ Giddings and others (n 11).

²⁰ The European Network of Legal Clinics (ENCLE) specifies that, 'Clinical legal education is a law teaching method based on experiential learning, which develops not only knowledge, but also skills and values and at the same time promotes social justice'. See the website of ENCLE <<https://encle.org/>> accessed 14 July 2023.

drafting legal documents, negotiation, or even.

In such a context, legal clinical education a diverse and evolving history that reflects the unique legal systems and educational structures within different member states. While there is not a single unified history of legal clinics in the EU, their development can be traced back to the mid-20th century, following the models established in the United States.²¹

In the late 20th century, legal clinics in the EU experienced significant growth and expansion, particularly during the 1970s and 1980s. Many law schools and universities recognized the value of clinical legal education as a means to bridge the gap between legal theory and practice. This growth was influenced by the clinical legal education movement, which emphasized the importance of hands-on learning and practical training for law students.

In some countries, such as the United Kingdom, the Netherlands, and Sweden, legal clinics have a long-established tradition and a robust presence within legal education.²² In countries like the United Kingdom, the Netherlands, and Sweden, legal clinics have a long-established tradition and a strong presence within legal education. These countries have recognized the value of clinical legal education in preparing law students for practice and promoting access to justice. In the United Kingdom, legal clinics have flourished for decades. Law schools across the country have integrated clinical legal education into their curricula, providing students with practical hands-on experience. Legal clinics in the UK often focus on areas such as family law, housing law, immigration law, and criminal law.²³ They offer free or low-cost legal services to individuals who cannot afford private representation and contribute to addressing the justice gap. Similarly, in the Netherlands, legal clinics have become an integral part of legal education. Law schools collaborate with legal aid organizations and community groups to provide students with experiential learning opportunities. Dutch legal clinics

²¹ Blázquez-Martín (n 6).

²² Wilson, *The Global Evolution of Clinical Legal Education* (n 18).

²³ C Bartoli, 'Legal Clinics in Europe' [2016] *Diritto & questioni pubbliche* 21.

cover various practice areas, including civil law, criminal law, and administrative law.²⁴ They emphasise collaboration, interdisciplinary approaches, and community engagement. Sweden also boasts a strong tradition of legal clinics. Law schools in the country have established clinics that offer free legal advice and assistance to marginalized communities. Swedish legal clinics often focus on human rights, discrimination, and social justice issues. They provide law students with valuable practical experience and encourage critical thinking and reflection on the ethical dimensions of legal practice. The long-established tradition and robust presence of legal clinics in these countries serve as models for others seeking to enhance their legal education systems.²⁵

On the other hand, some EU member states have seen more recent growth in clinical education initiatives.²⁶ These countries may have been influenced by broader trends in legal education or changes in educational policies. The establishment of legal clinics in these countries often reflects a growing recognition of the importance of practical skills training and the need to bridge the gap between theory and practice. These countries may have undergone legal reforms or educational reforms that prioritize clinical education as a means to enhance the professional skills and practical experience of law students.

The variations in the development of legal clinics in the EU are also influenced by local legal needs and the availability of resources. The legal challenges and social issues prevalent in a particular country or region can shape the focus and specialization of legal clinics. For example, countries with significant immigration issues may prioritize immigration clinics, while others may focus on areas such as human rights, environmental law, or family law based on the local legal landscape and societal needs.

Additionally, the institutional commitment to clinical education plays a role in the development of legal clinics. Some universities and law schools may have a strong commitment to clinical legal education and prioritize the integration of clinical programs within their curricula.²⁷ This commitment is often reflected in the allocation

²⁴ Ibid.

²⁵ Ibid.

²⁶ Wilson, *The Global Evolution of Clinical Legal Education* (n 18).

²⁷ C Blengino and A Gascon-Cuenca (eds), *Epistemic Communities at the Boundaries of Law: Clinics as a Paradigm in*

of resources, faculty support, and the development of partnerships with external stakeholders. Institutions that prioritize clinical education create an environment conducive to the growth and sustainability of legal clinics. Legal clinics in the EU cover a wide range of legal areas, reflecting the diverse legal needs and priorities of different countries and communities. Some clinics specialize in areas such as human rights, immigration, environmental law, criminal justice, family law, or intellectual property. The focus areas of legal clinics often align with the pressing social and legal challenges prevalent in each country or region, allowing students to address real-world legal issues and gain practical experience in their chosen fields.²⁸

Collaboration and partnerships are key features of legal clinics in the EU. Many clinics work closely with external stakeholders, including legal aid organizations, NGOs, government agencies, and local community groups. These collaborations enable clinics to expand their reach, leverage resources, and effectively address pressing legal needs in partnership with relevant stakeholders. By collaborating with these organizations, legal clinics can provide comprehensive legal services to marginalized communities and contribute to positive social change.

To foster collaboration and knowledge sharing among legal clinics in Europe, the European Network of Legal Clinics (ENCLE).²⁹ Founded in 2009, ENCLE has steadily grown to become a vital platform for collaboration, knowledge-sharing, and advocacy within the European legal clinic community. ENCLE's history is rooted in the recognition of the importance of legal clinics in legal education and access to justice. The network was established to foster cooperation among legal clinics, provide a space for exchange of best practices, and promote the development of clinical legal education in Europe.

ENCLE's primary tasks involve facilitating communication and cooperation among its member clinics. The network serves as a platform for sharing experiences, innovative ideas, and research findings related to clinical legal education. It organizes

the Revolution of Legal Education in the European Mediterranean Context (ESI 2019).

²⁸ Alemanno and Khadar (n 2).

²⁹ See the website of ENCLE <<https://encle.org/>> accessed 14 July 2023.

conferences, seminars, and workshops that bring together legal clinic practitioners, professors, and students from across Europe to discuss and address the challenges and opportunities in the field. ENCLE's goals are multifaceted and encompass various aspects of legal clinics and clinical legal education. ENCLE aims to disseminate and promote best practices in clinical legal education across the EU.³⁰

By sharing successful models, methodologies, and strategies, the network supports the enhancement of the quality and effectiveness of legal clinics. It also advocates for the integration and recognition of clinical legal education within legal curricula across EU. The network emphasizes the value of experiential learning, ethical engagement, and the practical application of legal knowledge as integral components of legal education and seeks to foster collaboration among legal clinics and other relevant stakeholders. By connecting clinics and facilitating partnerships with law schools, universities, legal organizations, and civil society, the network aims to create a supportive and interconnected community of practitioners and scholars. It is also important that it recognises the importance of engaging with policy-makers and contributing to legal and policy discussions at the European level. The network actively participates in relevant initiatives, providing expert input and advocating for policies that promote access to justice, legal education, and the development of legal clinics.

In recent years, there has been an increased recognition of the value of clinical legal education and legal clinics in the EU.³¹ Some countries have taken steps to integrate clinical education into their national legal education frameworks and regulations. This recognition highlights the importance of practical skills training, access to justice, and fostering social responsibility among future legal professionals. Legal clinics are increasingly seen as an essential component of legal education, enabling students to bridge the gap between theory and practice while making a positive impact on the communities they serve.

The growth and evolution of legal clinics in the EU continue to be shaped by factors such as legal reforms, educational policies, local needs, and the broader European

³⁰ Bartoli (n 23).

³¹ R Grimes, *Re-Thinking Legal Education under the Civil and Common Law: A Road Map for Constructive Change* (Routledge 2018).

legal landscape. As legal clinics adapt to changing social and legal realities, they play a crucial role in preparing law students for the challenges of the legal profession, advancing access to justice, and promoting social justice principles across the European Union.³²

4.3. Analysis

By conducting a comparative and preliminary analysis of the development legal clinical education in the EU and the US, it is possible to observe a shared commitment to striking a delicate balance between serving the social good and navigating the practical realities of the legal profession. Today, both jurisdictions seem to understand that the pursuit of social aims must be complemented by market-driven strategies to ensure the sustainability and effectiveness of legal clinics and legal services.

This unified approach, adopted on both sides of the Atlantic, has yielded numerous benefits. It has led to innovative solutions that address the diverse challenges faced by legal clinics in their mission to promote access to justice. By drawing upon a wide range of perspectives and expertise, legal practitioners have gained a deeper understanding of legal complexities and have honed their abilities to provide effective legal assistance to individuals and communities in need.

Moreover, the sections before about US and EU have reinforced the idea that the integration of social and market-oriented perspectives can also contribute in fostering a more just and equitable legal system. By recognising the symbiotic relationship between social objectives and economic viability, legal clinics and practitioners can align their efforts more effectively, amplifying their impact on both the community they serve and the legal profession as a whole.

5. Beyond dichotomies

Legal education is undergoing a transformative shift, recognising the need for an approach that combines market-oriented experiential practice with the pursuit of social aims. In response to this evolving landscape, clinical legal education emerges as a

³² AG Amsterdam, 'Clinical Legal Education. A 21st Century Perspective' (1984) 34 *Clinical Law Review* 612.

beacon of innovation and progress.

At the heart of the legal clinics is the understanding that legal education should not be confined to the development of practical skills alone. Instead, it must encompass a broader perspective that acknowledges the intricate interplay between market forces and social considerations within the legal profession. By integrating these two dimensions, the clinic prepares law students for the multifaceted challenges they will encounter as legal practitioners.

In particular, students engage in a dynamic and multifaceted learning experience. They delve into real-world cases and projects, honing their practical skills through experiential practice. However, the clinic goes beyond a narrow focus on skills acquisition by fostering critical thinking and reflection. It encourages students to consider the broader implications of their legal work on individuals, communities, and society at large.

This model instils a deep understanding of the social and ethical dimensions of the law. Students are encouraged to explore the ways in which their legal expertise can be leveraged for positive social change. They critically examine the impact of legal practice on diverse stakeholders and develop a sense of social responsibility that extends beyond the confines of the courtroom.

The proposed approach recognises that true progress is born from interdisciplinary collaboration. By forging partnerships with professionals from diverse fields—business, social sciences, public policy, and advocacy—the clinic creates a rich and collaborative environment. This interdisciplinary approach broadens students' perspectives and equips them with the tools to develop comprehensive and innovative solutions to legal challenges that account for both market dynamics and social impact.

The legal clinic not only empowers students with practical legal skills but also nurtures a commitment to social justice and equity. Graduates become agents of positive change, actively seeking opportunities to address systemic challenges and promote justice within the legal profession and society at large.³³

Such a paradigm for legal education embodies a comprehensive view that embraces both market-oriented experiential practice and the pursuit of social aims. It

³³ D Kennedy, 'Legal Education and the Reproduction of Hierarchy' (1982) 32 *Journal of Legal Education* 591.

prepares students to navigate the intricacies of the legal field while promoting a deep understanding of the social implications of their work. By fostering interdisciplinary collaboration and a sense of social responsibility, the clinic nurtures well-rounded legal professionals who strive for excellence and social progress.³⁴ By embracing this diversity, the clinic recognises that there is no single ‘right’ answer or approach to legal problems, but rather a spectrum of valid solutions.³⁵ This recognition opens the door to more nuanced and multifaceted analyses of legal issues, fostering a more robust and inclusive legal discourse within the clinic.³⁶

It is possible to mention some examples of legal clinics that exemplify the integration of market-oriented experiential practice and the pursuit of social aims.

a. The Access to Justice Legal Clinic

This clinic operates with a comprehensive approach by providing free legal services to marginalized communities while also addressing systemic issues. Law students engage in practical legal work, such as client representation and advocacy, to address the immediate legal needs of underserved populations. Simultaneously, they analyse the underlying social and economic factors contributing to the clients’ legal challenges. By combining direct legal assistance with systemic analysis, the clinic equips students to tackle both individual cases and broader social issues.³⁷

b. The Entrepreneurship and Social Impact Clinic

In this clinic, students gain practical experience in advising start-ups and entrepreneurs on legal matters while emphasizing the importance of social impact. Students work with socially conscious businesses, helping them navigate legal complexities while considering the ethical and social implications of their ventures. The

³⁴ K Lenaerts, ‘EU Values and Constitutional Pluralism: The EU System of Fundamental Rights Protection’ (2014) 34 *Polish Yearbook of International Law* 135.

³⁵ MR Marella and E Rigo, ‘Le cliniche legali, i beni comuni e la globalizzazione dei modelli di accesso alla giustizia e di lawyering’ (2015) 32 *Rivista critica di diritto privato* 537.

³⁶ *Ibid.*

³⁷ *Ibid.*

clinic also offers educational programs to empower entrepreneurs in underserved communities, fostering economic development alongside a commitment to social responsibility.³⁸

c. The Environmental Justice Legal Clinic

This clinic takes an approach to environmental law by combining experiential practice with a focus on social justice. Students engage in environmental advocacy, litigation, and policy work to protect vulnerable communities affected by environmental degradation. The clinic emphasizes the intersectionality of environmental issues, addressing the disproportionate impact on marginalized populations. By integrating legal skills with social awareness, the clinic prepares students to advocate for environmental justice and sustainable practices.

d. The International Human Rights Clinic

Operating within this framework, this clinic exposes students to international human rights law while promoting social change on a global scale. Students work on cases involving human rights violations, collaborating with international organizations and advocacy groups. The clinic offers a comprehensive learning experience that combines practical legal skills with an understanding of the social, political, and cultural factors that affect human rights. Through their work, students contribute to the pursuit of justice and the protection of fundamental rights worldwide.

These examples demonstrate the diverse ways in which legal clinics integrate market-oriented experiential practice with the pursuit of social aims. By combining practical legal training with a broader understanding of social issues, these clinics prepare students to be versatile, socially conscious legal professionals who can make a positive impact in their respective fields.³⁹

³⁸ A Arimoro, 'Clinical Legal Education: Vision and Strategy for Start-up Clinics in Nigeria' (2019) 26 *International Journal of Clinical Legal Education* 132.

³⁹ *Ibid.*

6. *The Start-up Legal Lab*

In such a context, the Start-up Legal Lab at the Law Department of the Turin University embodies a comprehensive and forward-thinking approach that seamlessly integrates market-oriented experiential practice with the pursuit of social aims. This unique strategy recognises the intrinsic link between these two seemingly distinct aspects, refusing to treat them as separate or conflicting forces. Instead, it leverages their synergies to drive innovation and bring about positive change within the legal profession.

In recent years, there has been a significant spread of experiences in the law courses of Italian universities that were generally defined as 'legal clinics'.⁴⁰ The lowest common denominator of these different experiences is represented by a teaching method of law that focuses on a 'practical' approach, aimed at flanking, but usually not overcoming, the traditional legal teaching in Civil Law countries.⁴¹ This trend seems to place Italian law courses within what has been called a global clinical movement centred on the valorisation of the professionalising aspect of legal teaching.⁴² It is this valorisation that makes it generally argued that, from a didactic point of view, the clinical approach represents a significant step forward. In universities that have undergone this dramatic torsion, legal clinics are the ideal tool for law degree courses that must no longer present themselves as mere producers of knowledge, but must above all provide skills, abilities or competences vaguely underpinned by certain values.⁴³

In such a dynamic context of academic teaching, in the academic year 2019-2020 a new legal clinic project named 'The Start-up Legal Lab' (also: the Lab) has been launched by a team of professors and researchers at the Law Department of the University of Turin.⁴⁴

⁴⁰ Wilson, *The Global Evolution of Clinical Legal Education* (n 18).

⁴¹ Blázquez-Martín (n 6).

⁴² Ibid.

⁴³ C Bartoli, 'The Italian Legal Clinics Movement: Data and Prospects' (2015) 22 *International Journal of Clinical Legal Education* 213.

⁴⁴ Giddings and others (n 11).

The scope of the clinical project consisted in providing law students an experiential training, which is indispensable for approaching the world of technological and social innovation and being able to consciously deal with the difficulties and legal risks associated with the frontier themes of European and transnational law.⁴⁵

The students are called upon to tackle a practical and real case that the lecturers will be able to identify, from year to year, thanks to the collaboration of young tech and social innovators – in a variety of forms, such as: fresh graduates, junior professionals, PhD students, start-ups, cooperatives, associations, foundations and organisations – preferably from the world of incubators and, in particular, from the incubators of the University of Turin and Turin Polytechnic. The task assigned to the teams of students is to deal with a number of practical and real cases related to frontier issues in law, which typically concern the launching on the market of new solutions, innovative products and new services.⁴⁶

Furthermore, the selection of practical cases focuses primarily on two directions. Firstly, young innovators will be selected who need support for the realisation of their idea and do not have the resources due to their young age and lack of resources. The absence of resources exposes young people to the risk of not being able to pursue a new idea that could create value for society, and also of behaving – unwittingly – in a manner that does not comply with legal and legal requirements, thus incurring risks of criminal, administrative, civil and contractual liability.

On the other hand, innovative start-ups operating in socially useful sectors will be identified.⁴⁷ Social activities include, for example, those of social assistance; health care; socio-health care; education, education and training; protection of the environment and the ecosystem; valorisation of the cultural heritage; social tourism; university and post-university training; research and provision of cultural services; out-

⁴⁵ See the website of the 'Entrepreneurship and Innovation Lab' <https://www.giurisprudenza.unito.it/do/corsi.pl/Show?_id=n8x2#submenu> accessed 14 June 2023.

⁴⁶ SR Jones and JJ Thompson, 'Law & Entrepreneurship in Global Clinical Education' (2018) 25 *Int L J Clinical Legal Educ* 85.

⁴⁷ The so-called start-ups with a social vocation pursuant to Article 25, paragraph 4, of Italian Law Decree No. 179/2012, converted into Law No. 221/2012, which operate exclusively in the sectors indicated in Article 2, paragraph 1, of Law Decree No. 155/2006, which regulates social enterprises.

of-school training, aimed at preventing school drop-out and school and training success; and instrumental services to social enterprises. Additionally, special attention will be paid to gender equality and policies for the inclusion of vulnerable persons in the selection of practical cases to be submitted to the students.

Students are supervised by the lecturers and experts involved by the lecturers, as well as by the teaching tutor. As far as possible, experts from outside the university are involved in the lessons of the first phase, such as, for example, representatives from the world of associations, foundations and organisations, as well as university incubators. The total number of students admitted will be a maximum of 20. Students will be selected on the basis of academic merit and motivation. Those interested should fill in a form, sending their curriculum vitae (from which the average of the examinations taken should also emerge) and a brief motivation letter. At least a basic knowledge of English is required. At the end of the course, students are asked to produce a written paper (eg legal opinion, contract, general conditions, privacy policy, draft court document, possibly *amicus curiae*, response to an EU Commission green paper, for example) and to present the results of the research and studies carried out during a final meeting attended by all the stakeholders involved in the project.⁴⁸

The Start-up legal Lab poses a strong emphasis is placed on engaging with innovative topics in law by grounding on an interdisciplinary perspective.⁴⁹ These clinics recognise the importance of staying at the forefront of legal practice and addressing emerging legal needs in an ever-evolving world. By focusing on innovative topics, legal clinics not only provide cutting-edge legal services, but also contribute to legal scholarship and shape the development of the law in emerging areas.⁵⁰ The clinical experiment keeps a close watch on developments in areas such as technology law, intellectual property, data privacy, environmental law, human rights, and social justice.

⁴⁸ The final grade considers participation in the course, including the frontal teaching part, and primarily assesses the quality of the final written paper as well as the presentation of the results of the research work carried out.

⁴⁹ RL Hyams and L Ross, 'Multidisciplinary Clinical Legal Education the Future of the Profession' (2012) 37 *Alternative Law Journal* 103.

⁵⁰ The University of Chicago, The Law School, 'Innovation legal clinic' <<https://www.law.uchicago.edu/clinics/innovation>> accessed 14 June 2023. See also George Mason University, Antonin Scalia Law School, 'Innovation Law Clinic' <https://www.law.gmu.edu/academics/clinics/innovation_law_clinic> accessed 14 June 2023.

By closely monitoring these fields, clinics position themselves to provide specialized assistance and develop expertise in these innovative domains. This proactive approach allows them to understand the unique legal challenges that arise from emerging technologies, social movements, and evolving societal norms.

Moreover, the Start-up Legal Lab provides an opportunity for legal clinics to gain a deeper understanding of the practical applications of the law in innovative areas.⁵¹ By working alongside with incubators and startups, the clinic enhances the ability of students to provide specialised legal services tailored to the unique challenges posed by emerging technologies, business models, and regulatory frameworks.

In addition, the Start-up Legal Lab contributes to the understanding of legal frameworks and propose legal reforms or regulatory changes to address challenges in innovative domains. In addition, by combining interdisciplinary expertise and fostering creativity, these collaborations generate innovative legal solutions to address specific legal challenges posed by emerging technologies, social issues, and regulatory complexities. Through these projects, legal clinics actively contribute to the development of practical and impactful legal tools, apps, or platforms that address pressing legal needs in innovative domains.

Finally, by actively embracing market-oriented experiential practice, the Start-up Legal Lab not only equips its participants with practical skills and real-world experience but also fosters a keen understanding of the evolving market dynamics. This approach empowers aspiring legal professionals to navigate the intricacies of the contemporary legal landscape effectively. Simultaneously, the Lab remains steadfast in its commitment to social aims, driven by a passionate dedication to promote access to justice and advance the cause of social equity.

⁵¹ OECD, 'Disruptive Innovations in Legal Services' (2016) <<https://www.oecd.org/competition/disruptive-innovations-in-legal-services.htm>> accessed 14 July 2023.

7. *Conclusions*

In the contemporary landscape of legal clinics in the EU, the recognition of the crucial roles of experiential learning alongside the pursuit of social justice has become increasingly prominent. While social justice remains a fundamental pillar, it is essential to acknowledge that it can encompass multiple meanings and interpretations. The evolving nature of society and the legal profession calls for a comprehensive approach that embraces innovation, pluralism, and the diverse conceptions of social justice.

Legal clinics today are proactively focusing on fostering innovation and embracing an approach to stay at the forefront of legal practice.⁵² They understand the importance of integrating new technologies, exploring interdisciplinary collaborations, and engaging with emerging legal topics. By embracing innovation, legal clinics can enhance their services, improve efficiency, and address the evolving needs of their clients in a rapidly changing world. Moreover, legal clinics recognise the value of social justice and the diverse perspectives it brings. They understand that the legal field benefits from a variety of approaches, voices, and experiences. Consequently, they actively promote inclusivity, respect for diversity, and collaboration among stakeholders.

It is imperative to acknowledge the need for a reconciled vision of legal clinics that addresses the challenges faced by legal clinical education today.⁵³

Actually, it is possible to find ways to reconcile and balance these two perspectives within a legal clinic by considering the proposed approach to clinical legal education. There may be tension in selecting cases that align with social justice goals while also meeting market demand. To reconcile this, a clinic can prioritise cases that have both social justice implications and practical learning opportunities. This way, students can work on cases that address systemic injustices while also gaining skills and experience relevant to the job market. Additionally, one way to address this is by incorporating critical analysis and ethical discussions within the curriculum. This helps students understand the broader implications of legal practice and encourages them to think critically about the social impact of the law. Some students may have a stronger

⁵² A Korn and L Hlass, 'Assessing the Experiential (R)evolution' (2020) 65 Villanova Law Review 713.

⁵³ Wilson, 'Training for Justice' (n 17).

inclination towards one perspective over the other. The point here is that it is important to create an inclusive and pluralistic clinical legal education in the EU, where diverse viewpoints are respected and encouraged. Providing opportunities for dialogue, reflection, and exposure to different perspectives can help students appreciate and understand the importance of both social justice and market demands.

By embracing this approach, legal clinics foster a more robust and inclusive legal discourse. This approach leads to innovative solutions, a deeper understanding of legal issues, and ultimately, a more just and equitable legal system. Surely, social justice remains a guiding principle for legal clinics. However, the conception of social justice can vary depending on individual perspectives, cultural contexts, and evolving societal norms. Acknowledging this plurality of meanings allows legal clinics to engage in meaningful dialogue, address diverse social justice concerns, and adapt their approaches to meet the complex needs of the communities they serve.

In light of these considerations, it is reasonable to conclude that the Start-up Legal Lab qualifies as a legal clinic. Actually, it aligns with the contemporary landscape of legal clinics that strive for both experiential education and the pursuit of social justice. It demonstrates a commitment to integrating new technologies, engaging with emerging legal issues, and promoting diverse perspectives. As a result, we argue that clinical legal education can effectively contribute to a more just and equitable legal system, while continuously adapting legal education to the evolving needs of society.

The Start-up Legal Lab crafts innovative solutions that address both the needs of a dynamic legal market and the marginalized segments of society. Rather than viewing social and market considerations as conflicting priorities, the Lab demonstrates that when thoughtfully intertwined, they form a powerful catalyst for transformative change. This not only leads to a deeper comprehension of legal issues but also results in a more just and equitable legal system.

The Lab underscores the potential of aligning market-oriented experiential practice with unwavering dedication to social objectives, paving the way for a future where legal professionals can be both socially conscious and commercially adept. In doing so, the Lab propels the legal profession towards a harmonious coexistence of social responsibility and professional excellence, redefining the parameters of success within the EU legal community.