

Tech Law Clinics Methodological Guide

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INTRODUCTION

The main purpose of the Tech Law Clinic is to offer a new form of education, at the intersection between law and technology. The Clinic adopts a distinctive learning-by-doing approach: rather than acquiring theoretical knowledge, the students work on a case, which is fictional but based on real technological developments. Through the Clinic, students from law faculties are expected to cooperate with students from other faculties, and acquire practical knowledge and skills. This Guide sketches a methodology for the organization of the Tech Law Clinic. It builds on the experiences gathered by the five Universities participating in the project to date (hereinafter, the “partner Universities”): the Catholic University of Lyon; Jagiellonian University; Radboud University; Università del Piemonte Orientale; and University of Lodz. In each partner University, a project manager is the main responsible for the project. The project managers have filled in a Survey (hereinafter “the Survey”), to share their experiences and express their opinions. The data generated through the Survey is referred throughout this Guide as the “Survey data”. It is the hope of the partner Universities that this Guide will facilitate the accession of new partner Universities in the project, and the long-term sustainability and success of the Tech Law Clinic.



IDENTIFICATION OF EXTERNAL PARTNERS AND STAKEHOLDERS

Setting up the Tech Law Clinic at a partner University requires not only good communication and coordination with other Universities, but also the involvement of a number of external partners stakeholders, without whom the learning-by-doing activities of the clinic cannot be carried out. Therefore, from a methodological point of view, it is important to scrutinize how the partner Universities have achieved these goals in the past, and to what extent the same methodology could be replicated in further Universities in the future. In addition, the obstacles encountered by the partner Universities so far can be instructive for other Universities that may want to set up a Clinic in the future.

IDENTIFICATION OF PRACTICING LAWYERS AND JUDGES

First of all, each partner University must involve legal practitioners, i.e. practicing lawyers and judges, who will help coach the students and ensure that the activities carried out by the students maintain a high level of realism. In this respect, the feasibility of the Clinic partially depends on the existence of sufficient contacts in the world of legal practice and the judiciary. According to the data collected through the surveys with the project managers at the different partner Universities, judges and lawyers were often recruited through pre-existing networks and contacts of the project managers themselves. By way of example, alumni and lecturers of the partner Universities were often involved in the identification of suitable partners. At the same time, however, the project also generated opportunities for the partner Universities to create new contacts with judges and practitioners. For instance, the Catholic University of Lyon was able to enter into a partnership with the Innovation Committee of the Lyon Bar Association.

Therefore, it seems like the pre-existence of strong ties with legal practice and the judiciary is an advantage when setting up the Clinic, but not a pre-requisite. Even in the absence of strong pre-existing connections, getting in touch with the local Bar Associations and relevant other legal associations is likely to ensure the development of a network of stakeholders sufficient to carry out the activities of the Clinic. Practitioners may be interested to join the project for a variety of reasons. The experience gathered so far indicates that practitioners may have an interest in getting in touch with promising law students, for their own recruitment purposes, as well as more generally with the Universities involved in the project. The development of practical and advocacy skills is normally perceived as an added value for the local legal communities, and it can facilitate the students' access to the world of the legal professions.



IDENTIFICATION OF INDUSTRY STAKEHOLDERS

Secondly, the partner Universities must involve industry stakeholders, e.g. companies active in the technology sector, software developers, IT experts etc. From this point of view, similarly to what happened for judges and legal practitioners, the partner Universities partially relied on the pre-existing network of contacts. Radboud University, for instance, involved the Swiss start-up company Jur, which had already collaborated with Radboud in the past, offering students an opportunity to test the company's software before the official launch. However, most partner Universities did not have an extensive network in the field of technology. This is not surprising, as the Tech Law Clinic is managed within the law Faculties of the partner Universities; as such, a strong network in the world of technology is less likely to pre-exist, as compared with the project managers' connections in the field of legal practice. However, the experiences gathered so far demonstrate that a lack of pre-existing contacts is not an insurmountable obstacle. In fact, through their participation in the Clinic, some partner Universities were quickly able to identify suitable industry stakeholders, either autonomously, or with the support of other partners. To this end, the approach of the Catholic University of Lyon can be seen as a "best practice" for the future. The Catholic University of Lyon started by applying an empirical method, getting in touch companies active in the region, involved in the development of new technologies. The project managers asked these companies whether they would be interested in building an initial relationship with the Clinic, by telling the University what would be the need for prospective legal expertise, given their field of activities. This approach could be easily replicated in other partner Universities, and it would enhance not only each University's network in the field of technology, but also the Clinic's embeddedness in the local economic and technological fabric. As additional strategy that has proved successful in the past is to get in touch with research laboratories specialized in the development of new technologies, which are likely to have a network of partner companies that may be interested in joining the project. Furthermore, industry contacts can be obtained by getting in touch with scientists who publish on technological topics that are relevant to the Clinic, and ask them to put the project manager in touch with the developers of the relevant technologies. In sum, the recruitment of industry stakeholders is likely to be a bigger challenge than the recruitment of lawyers and judges. However, the partner Universities have developed a number of effective strategies to this end, which could be replicated in new partner Universities in the future.

In terms of incentives for industry stakeholders to join the project, the Tech Law Clinic may offer legal answers to questions that start-up companies currently face. Namely, R&D departments of different industry stakeholders may have unanswered legal questions, that can be productively included in the case the students will work on. To this end, it is important that the case will be "prospective" in nature: the legal issues should not be already resolved by existing case-law, but the emphasis should not be on purely hypothetical and unrealistic scenarios either. Importantly, at the start-up stage, many companies do not have access to legal advisors. By including real-life legal problems in the case, the participating Universities can ensure that the project results in the production of legal knowledge with important practical applications, thus contributing to the "clinical" goals of the project. Furthermore, industry stakeholders may be attracted by the purpose of establishing an institutional relationship with the participating Universities, for the purposes of networking, outreach and future possible public-private partnerships.



RECRUITMENT AND PROMOTION

One of the distinctive features of the Tech Law Clinic is that law students work together with students from other faculties (e.g. computer sciences). Therefore, in order to ensure the success of the Clinic, it is important to ensure the successful recruitment of both categories of students. This, in turn, requires the project managers to adapt their strategy, when promoting the Clinic with prospective applicants, since the activity caters to two audiences (law and non-law students) that are likely to have different interests and priorities. In this respect, the experiences gathered by the project managers so far can help identify an effective methodology for the recruitment of students and the promotion of the Clinic.

LAW STUDENTS

Across the different partner Universities, the project managers have consistently identified some features of the Clinic as particularly attractive for law students. These features should be illustrated prominently at the beginning of each academic year, during the recruitment and promotion phase. More specifically, law students generally attach a lot of importance to the possibility to get in touch with legal practitioners (lawyers or judges), to apply their knowledge to a legal case, and to participate in the mock trial. These findings are consistent with a general theoretical premise of the Tech Law Clinic, already mentioned in the introduction to this Methodological Guide: legal education is in need of modernization through learning-by-doing activities, aimed at complementing the curriculum of theoretical courses that law students are required to take both at the Bachelor and Master level. Since law students seem to be particularly attracted to activities that expose them to legal practice, this feature of the Clinic should be prominently displayed when project managers communicate with prospective applicants. On a related note, law students also appreciate the possibility to attend lectures on topics that are not part of their normal law curriculum. In light of this, the promotion of the Clinic should emphasize not only the practical character of the activity, but also the innovative nature of the topics that the lectures touch upon. A good method to convey this message is to portray the Clinic as an opportunity for law students to reflect on the future of the law, and on how technology affects the law. Furthermore, the international nature of the Clinic is a point to be emphasized: the possibility to participate in the international Spring School, and to meet the other participating students, should be highlighted adequately during promotion.





In addition, other features of the Clinic can be emphasized during the promotion. However, according to the data collected so far during the survey, law students in different partner Universities attach different degrees of importance to these factors. For instance, some law students value the possibility to cooperate with computer sciences or management students, while other students do not attach as much importance to this possibility. Along similar lines, some students value the possibility to take part in an activity that partially takes place in a foreign language, so as to improve their legal English. By contrast, other students do not attach as much importance to this aspect. To date, it is too early to determine whether these discrepancies are a consequence of different cultural and social factors in the participating Universities, or whether these preferences are subject to change on a yearly basis, depending on the student group. For this reason, the best approach for the time being seems to be one that does not place a major emphasis on these factors, but does mention these possibilities when students show an interest. At the interview stage, it is advisable for the project managers to ask questions as to which aspects of the Clinic the students found attractive. The data collected through this interview could then be used to assess to what extent the preferences and inclinations of law students remain constant over time in each partner University.

During recruitment, it is important to emphasize the fact that the students will need to communicate in English, especially for the purposes of the Spring School. Ideally, the students' language skills should be briefly tested during the interview, to make sure that each student will be able to meaningfully contribute to the Spring School.

NON-LAW STUDENTS

So far, when recruiting non-law students, project managers have faced challenges that are different from the ones surrounding the recruitment of law students. First of all, according to the survey data, the level of overall interest from non-law students seems to be uneven across different institutions. More specifically, some project managers have reported that non-law students were “really interested in the project”, while other ones reported difficulties in generating interest. In the future, a possible strategy to trigger more interest would be to involve past participants from non-legal faculties as “alumni”. Involving these past participants during recruitment, for instance recording a video where they describe the positive aspects of their experience, could be an important incentive for more non-law students to apply.

Apart from the issue of an uneven level of general interest in the Clinic, some project managers have pointed out the existence of more practical problems concerning scheduling and evaluation. Namely, the calendar of the academic year of law faculties does not always coincide with that of computer sciences or management faculties. As a consequence, recruitment for the Clinic may take place at a time of the year when non-law students have already chosen their extracurricular activities. For the future, and especially for new Universities joining as partners, it is important to take both calendars into adequate account. Depending on the existing discrepancies between the calendars, this may require two different recruitment periods, for law and non-law students. These scheduling discrepancies can also make it difficult for the project managers to ensure a timely evaluation of the non-law students: for instance, if the academic year for non-law students ends earlier than the one of the law students, the former may receive their grades and EC too late, compared to the rest of their courses. To the extent possible, these issues should be mitigated by taking the different calendars into account, when planning the Clinic activities.



Another important difference between law and non-law students is that, according to the survey data, the interests of non-law students are not consistent across different partner Universities. This can at least partially be explained of the consequences of their different backgrounds (e.g. computer sciences, as compared to management). Nevertheless, there seem to be some features of the Clinic which consistently attract the attention of non-law students. The most noticeable ones, once again, are the possibility to apply the students' knowledge to a realistic case, and the possibility to participate in the Spring School. Thus, both law and non-law students seem to be interested in going beyond the boundaries of their theoretical knowledge, and to take part in an international event. These features of the Clinic should be emphasized during promotion and recruitment. In addition, non-law students value the possibility to get in touch with technology practitioners. This can also be highlighted during promotion and recruitment. For the future, the project managers could develop more concrete ways to put non-law students in touch with industry stakeholders, for instance encouraging the latter to offer internships to past Clinic participants.

According to the Survey data, non-law students do not seem to have a uniform perception of the possibility to learn more about the law, and to get in touch with law students and legal practitioner. On the one hand, some project managers reported that non-law (e.g. computer sciences) students value the possibility to get in touch with legal practitioners (lawyers or judges). On the other hand, however, this perception is not shared by non-law students in other partner Universities. Along similar lines, non-law students in different partner Universities seem to have divergent views as to whether they can benefit from the possibility to reflect on the future of law, and on how technology affects the law. To date, it is too early to determine whether these discrepancies will continue to exist over time, or whether they are specific to the groups that took part in the first editions of the Clinics. For this reason, it seems appropriate to gather more information about students' perceptions through interaction at the interview stage and throughout the course of the Clinic's activities. This can be combined with a flexible approach, whereby the aforementioned possibilities are illustrated by the project managers during the promotion and recruitment stage, if the non-law students seem to be interested in them.

Similarly to law students, non-law students should have sufficient familiarity with the English language, so as to ensure their successful participation in the Spring School.

WRITING AND ADAPTING THE CASE

The students in all partner Universities work on a national version of the case. Therefore, each year, one of the project managers is entrusted with the task of writing the case. That case, then, must be translated and adapted, so as to match the local legal framework, the field of expertise of each project manager, as well as other local circumstances.



WRITING THE CASE

The project manager writing the case must decide which field of law the case should concern. In this respect, the personal expertise of the project manager plays an important role. At the same time, it is important to choose a field of law that is not excessively specialistic, so as to allow for adaptation in other partner Universities where the project manager does not share the same expertise. In the past, the project managers have resolved this problem by communicating via e-mail and telephone, thinking together about possible ways to adapt the case. For instance, this happened during the second year of the Clinic, where the case written by the project managers at Radboud University dealt with topics of contract law and alternative dispute resolution, and it had to be adapted to the field of administrative law by the project managers at the Catholic University of Lyon. From this point of view, the author of the case should also act as a “point of contact”, making proposals on how to adapt the case. In order to fulfil this role, it is important that the author of the case considers the need for adaptation already at the drafting stage.

An important question is whether the case should deal with a field of law that is harmonized at the EU level, or not. In theory, both solutions have certain advantages. On the one hand, if the field of law is harmonized (e.g. data protection), adaptation becomes easier, and the results produced by the different teams of students (e.g. the written judgments, or the filmed trials) are more easily comparable. On the other hand, however, choosing a field of law that is not harmonized yields a fundamental advantage, enabling both the students and the project managers to compare different legal systems in practice. This is not only a highly enriching possibility for the students, but also an interesting opportunity for the project managers, who can gain insights on foreign law that would not be easily attainable through traditional dogmatic research methods. In the context of the Survey, the project managers were asked to evaluate (on a scale of 1 to 10) whether it makes any difference that the law applicable to the case is harmonized at the EU level, or governed by non-harmonized domestic laws. The project managers considered harmonization a relevant factor, but did not all agree on its importance. More specifically, 20% of them scored this factor a 5, 20% selected a score of 7, 20% selected a score of 8, and the remaining 40% selected a score of 10. In the end, however, the project managers have expressed a clear preference for non-harmonized field of law: in the context of the Survey, when asked whether future cases should concern harmonized or non-harmonized fields of law, 80% of the project managers chose the latter. Therefore, this seems to be the methodological choice to be followed for the future.

Another point of attention concerns the length of the case. As pointed out by one of the project managers in the context of the Survey, the case should “be specific enough for partners to understand the issues being addressed, while being broad enough to allow everyone to adapt the case to their own legal system”. In the context of the Survey, the project managers expressed a range of opinions as to what the ideal length of the case should be in practice. 40% of them indicated an ideal length of one to five pages. By contrast, 20% of them indicated an ideal length of approximately one page, so that it is easier for the students to understand the facts. Finally, 40% of the project managers indicated that the case should be maximum one page long, but for a different reason: leaving plenty of room for each project manager to adapt the case. In light of this results, it seems that the case should not exceed 1-2 pages, and the drafter should take into account both accessibility for the students, and flexibility for the other project managers that will adapt the case.



When selecting the legal and technical problems for the case, the project manager in charge of drafting should ensure the case's "prospective" relevance. Namely, the case should not deal with questions that have already been resolved in the case-law, but it should not be unrealistic and geared towards merely "science fiction" scenarios. A careful balance between these two extremes can meaningfully enhance the attractiveness of the project in the eyes of industry stakeholders: start-up companies and other industry actors will be incentivized to join the project, if the case reflects their real-life legal questions and unmet needs.

Finally, an important question about the drafting of the case concerns the level of technological detail that should be provided. In theory, arguments could be put forth both in favor and against the insertion of technological information in the case. On the one hand, the presence of non-legal information concerning the technological aspects of the dispute is likely to trigger the interest of non-law students, and facilitates their involvement during the lecture cycle, during the drafting of the statements and judgments, and in the context of the mock trial. In particular, students from computer sciences could help their peers from the law faculties understand the facts, and develop sound reasoning. On the other hand, however, insertion of unnecessarily detailed information could deter the law students, hindering their work on the case. In the context of the Survey, the project managers were asked to evaluate (on a scale of 1 to 10) what level of technological detail should be included in the case. All of them agreed that the case should contain sufficient, but not extremely detailed information on the technology; more specifically, none of the project managers selected a score lower than 4, or higher than 8. However, within this range, a certain variety of opinion was visible, with 20% of the project managers selecting a score of 4, 40% selecting a score of 5, 20% selecting a score of 7, and the remaining 20% selecting a score of 8. In light of this, the best solution for the drafters is to adopt a balanced approach. A certain degree of technological detail is necessary and welcome. However, if the case revolves around specific issues of a certain technical complexity, the drafter should consider simplifying the text, or at least provide sufficient information so as to enable non-specialists to understand the facts of the dispute.

ADAPTING THE CASE

The extent to which the case should be adapted depends not only on the specificities of each domestic law, but also on a host of other possible factors. In order to clarify what those factors may be, the Survey asked the project managers to select a number of items from a list. Unsurprisingly, all project managers agreed that the most relevant factor is the difference between the project manager's national law, and the national law of the project manager that wrote the case. Apart from this, three project managers mentioned two factors that are closely connected to the educational needs of the students: the rest of the curriculum that the students are following, and the fact that the students need sufficient legal detail, in order to apply the law to the facts. The result is particularly interesting from a methodological point of view, as it highlights the need for each project manager to "embed" the Clinic into the broader curriculum of each hosting University. For the future, therefore, project managers adapting the case should consider how to build bridges and connections with topics that the students are already familiar with, and how to ensure that the legal detail added to the case during adaptation is consistent with the education that the students have received prior to their participation in the Clinic.



Other factors were considered as less crucial, when adapting the case. By way of example, only two project managers mentioned their own field of expertise, or the field of expertise of the lecturers involved in the Clinic, as relevant factors. This can partially be explained as a consequence of the fact that many project managers so far share a similar background in private law, as do many of the external lecturers. From a methodological point of view, however, differences in expertise should not constitute a major obstacle in the adaptation of the case. As already mentioned, communication with the project manager that drafted the case is an effective solution at this stage, so as to that the key legal issues are ultimately reflected in all of the national versions of the case.

Interestingly, none of the project managers reported that, when adapting the case, they take into account the fact that some participating students are exchange students, who may be unfamiliar with the law of the place where the University is located. This result may be a consequence of the fact that the COVID-19 pandemic has drastically limited the presence of exchange students, and hence also their participation in the Clinics. So far, hence, this has not been a point of attention. In the future, should the number of exchange students participating in the Clinic grow, the project managers can consider this factor when adapting the case. A good solution, in this respect, could be introducing in the case an element of EU law, such as for instance an element triggering the applicability of an EU consumer law directive, or of EU anti-discrimination law. This solution would not be to the detriment of students focusing on domestic law, who could keep a focus on the national elements of the case (e.g., the way in which a certain directive has been implemented into national law).

In any event, adaptation should take place as soon as possible in each academic year, so that the case can already be presented with promoting the Clinic with law and non-law students. This will help make the project more understandable and concrete during recruitment.

THE LECTURE CYCLE

Each project manager is responsible for the organization of a cycle of lectures and training activities, which are aimed at equipping the students with the tools they need to write the statements, the judgment and to participate in the mock trial. As pointed out by one of the project managers in the Survey, external lecturers and project managers should ensure that, during the first semester, the students develop sufficient knowledge, so that they will then be able to work on the case. To this end, the project manager must find an adequate balance between legal and technological topics. According to the Survey results, it is important for the project managers to have a draft version of the case well in advance of the start of the semester, so that sufficient time is available to secure the participation of external speakers with the relevant expertise. The Survey also shows a strong preference for the involvement of external lecturers during this phase. This approach is preferable both because it allows the students to get in contact with true experts on both law and technology, but also because it enhances the diversity of the Clinic and helps maintain a high level of interest.



An interesting question is whether the lecture cycle should focus specifically on the topics of the case, or more generally on a wide range of law and technology issues. In the Survey, the majority of the project managers expressed their preference for a blended approach, whereby the lectures are connected to the topic of the case, but also touch upon additional topics. This approach seems to be preferable for the future, as it enables the students to learn on a wider range of topics that may be useful in their future academic and professional life.

In the organization of the lecture cycle, the project managers should make sure that the program is interesting both for law and non-law students. To this end, the organization of a kick-off meeting is a best practice. During this meeting, the project manager can explain how the two groups of students are expected to learn from each other. An overall purpose of this section of the Clinic is to ensure that the non-law students will gather sufficient knowledge in and interest for legal matters, and the law students will acquaint themselves and become more interested in technological issues. To this end, some partner Universities have set up a forum, where the students can continuously discuss and compare their progress. During the COVID-19 pandemic, such forum necessarily had to take place online. After the end of the pandemic, project managers should assess whether the communication between students should take place online, during periodical physical meeting, or in hybrid form combining both options.

In the Survey, some project managers pointed out some difficulties in triggering the interest of non-law students for legal topics. By contrast, other project managers reported that non-law students “react very well” to the exposure to legal concepts. On top of the aforementioned strategies, such as setting up a joint forum for law and non-law students, a project manager pointed out an additional interesting strategy, that can help non-law students develop knowledge and interest. More specifically, non-law students can be offered to attend a basic “introduction to law” lecture. Against that background, they can be invited to write a short essay on the technological aspects of the case. This essay can then be presented in a lecture that the non-law students deliver to their law peers. The law students can ask questions during the lecture. This strategy, on top of helping both groups of students build knowledge, can also be effective in creating a sense of community, responsibility and shared interest around the project.

DRAFTING THE STATEMENTS AND THE JUDGMENT

All project managers agree that students need supervision when drafting the statement of claim, statement of defence and the judgment. To this end, the involvement of practicing lawyers and judges is important, both to ensure the realistic nature of the Clinic, and because contact with legal practice is one of the main reasons for the students to join the activity in the first place. However, in this phase, the project managers should not rely exclusively on the involvement of these external partners as coaches. There are two main reasons why this is not possible: first, their availability may be limited, due to the high number of commitments. Second, these external partners are not professional teachers, and they may have unrealistic perceptions as to the amount of independent, unsupervised work that the students are able to carry out. For these reasons, the project managers should also be directly involved in the coaching.



According to the Survey results, the project managers meet the students on average once a week to discuss their progress and review their drafts. For the future, these weekly meetings are a good practice, to ensure continuity and supervision while at the same time offering the students sufficient opportunity of independent reflection and study.

MOCK TRIAL

The way in which the project managers should organize the mock trial varies, depending on the level or prior experience of the participants. On the one hand, if the students have already had some moot court or clinical experience, the Clinic can build on this knowledge, and the students can work with a higher degree of independence during this phase. On the other hand, if the students have no previous relevant experience, close supervision is needed, both to acquire the necessary advocacy skills, and to ensure that the students can develop an organic and comprehensive understanding of the dispute. In this respect, the situation across different partner Universities is rather uneven. In the context of the Survey, when asked to evaluate the level of past experience of their students with a score ranging from 1 to 10, the project managers selected scores ranging between 1 and 7. In light of this, for the future, the project managers should try to evaluate the level of past experience of the participants as soon as possible, so as to have enough time to organize the necessary training. At Radboud University, some of these training activities (e.g. concerning advocacy skills) are undertaken by the Tech Law Clinic participants together with participants in other moot courts, such as the Willem C. Vis International Moot Court.

When answering the Survey, 80% of the project managers agreed that the main focus of the mock trial preparation should be on learning and practicing oral advocacy and rhetorical skills, and on learning to think strategically and make decisions on the spot. In addition, 60% of them also pointed out that the mock trial preparation offers an occasion for the students to revise the fields of substantive law that are relevant to the case, and to learn about the applicable procedural law. By contrast, only 20% of the project managers pointed out the need to ensure that the students can manage the level of stress that comes with the oral hearing. Therefore, the focus for future edition of the Clinic seems to lie on the perfection of advocacy skills, and on legal knowledge.

At the mock trial, the students are divided into the same teams as for the written submissions and judgment. The protocol of the hearing should be shared with and explained to the students well in advance of the hearing, walking them through their allocated speaking times and the structure of the hearing. The hearing takes place at the premises of the local court involved in the Clinic as a partner, whenever possible. Due to the COVID-19 pandemic, it has been often unavoidable to conduct the hearings online.

Further best practices emerging from the Survey concern the possibility to invite an external coach with experience in moot court competitions, to give the students some training. In the future, this activity could also be carried out by former participants to the Clinic. Ideally, over the course of the year, a network of “alumni” could solidify and help the project managers prepare the students for the mock trial.



Multiple project managers have pointed out during the Survey that the preparation of the mock trial is rather time-intensive, and the budget allocation in the tender does not adequately reflect the investment that the activity requires in practice. For the future, should the Tech Law Clinic become an activity structurally embedded in the programs of the partner Universities, further attention should be devoted to this issue.

SPRING SCHOOL

After the mock trial, the students from all partner Universities participate in the Spring School. The activities of the Spring School revolve around the case. More specifically, the students are expected to present, compare and discuss their findings and opinions. Against this background, they work in multi-national teams, developing a proposal for a new legal instrument. In order for the Spring School to be successful, two hurdles must be overcome. First of all, the students so far have worked on the case in their own language. However, the Spring School activities all take place in English; for this reason, it is crucial for the students to be able to discuss the case in English, and acquire the necessary terminology. Secondly, the students must maintain a good knowledge of the case after the mock trial, so as to ensure active participation. The Survey evidences some best practices that can be adopted for the future, to achieve both of these objectives. From the first point of view, some project managers have asked the students to write a report in English on the mock trial, to synthesize the main arguments and issues. Such a report seems to be a valuable tool to transition to the English language, and to refresh the students' knowledge of the case. By summarizing the issues in dispute and the parties' positions, the students research the necessary terminology in English, and learn how to use it in an active way. The second solution implemented by some project managers is to organise the mock trial on a date that is as close as possible to the Spring School. While the practical feasibility of this solution depends on many factors, such as the availability of the necessary facilities, audio/video equipment and coaches, there is an undeniable advantage in ensuring that the period between the mock trial and the Spring School is not too long.

For the purposes of the Spring School, the students are divided in multinational teams, so that every team has at least one student from each partner University. The Spring School activities are divided into three categories: team sessions, plenary sessions, and workshops. During the team sessions, each team works on a law reform proposal, aimed at filling one or more of the regulatory gaps that the students have detected through their previous activities (drafting of submissions and judgments, and mock trial). It is important that each group session revolves around specific questions, which the teams should address in their discussion, under the supervision of a team coach (i.e. a teacher from a participating University). The questions for each team session should "build" on those of the previous session, walking the students from a general discussion of the legal and technical issues covered in the case, to the development of a realistic proposal. By contrast, in the plenary sessions, the teams come together to present their findings and ideas. The workshops are designed to provide the students with skills that they will need during the week and that will be more generally useful for their future. By way of example, during the 2021 and 2022 Spring Schools, workshops on presentation and advocacy were provided. The program of the 2021 Spring School is provided as an annex to this methodological guide.



In the final plenary session, the teams present their proposal to an international jury comprising practicing lawyers, judges, academics as well as (whenever possible) members of European institutions. The jury awards a prize to the best proposal. This competitive element helps keep the students engaged and active throughout the week.

On a more practical level, the project managers should share the schedule of the Spring School with the students, and walk them through it, so as to provide them with a clear picture of the activities and the program.

TECH LAW CLINICS DURING THE COVID-19 PANDEMIC

The COVID-19 pandemic has significantly changed the Tech Law Clinics, preventing the organization of the first Spring School, and forcing the second and third Spring School to take place online. According to the Survey, different project managers had different perceptions of the extent to which the pandemic made the management of the Tech Law Clinic more difficult. This is likely to be at least partially a result of the different restrictions existing in the EU Member States where the different partner Universities are located.

The impossibility to meet in person also created additional obstacles in the cooperation among the partners. In order to overcome this, a number of steering committees were organized online. While this form of communication cannot fully reproduce the advantages of a face-to-face meeting, it did enable the project managers to carry on with the Clinics throughout the pandemic. The success of the 2021 Spring School demonstrates that online coordination among the partners is possible.

In the context of the Survey, the project managers were also asked to identify the advantages of the transition to online communications, in the wake of the pandemic. In this respect, some project managers reported that online activities make it easier to involve experts who are located in other areas, and would not be able to travel to a partner University to e.g. deliver a lecture, or coach the students.

Despite these possible advantages, the lack of physical meeting was mainly perceived as a source of disruption for the project. Some project managers pointed out that both the mock trial and the Spring School aim, among other things, at providing national and international networking and team-building opportunities for the students. These opportunities cannot be fully offered in an online environment.

In light of the above, the prevailing view among the project managers is that the Tech Law Clinics should resume in the originally envisaged physical form, as soon as possible. Video-conferencing and online communication tools can still be employed where necessary, for instance to involve external lecturers and/or experts that would not be able to be physically present.



CONCLUSIONS

The Tech Law Clinic fills a gap in the curriculum of European law schools, from two complementary points of view. First, the Clinic offers a practice-oriented, learning-by-doing form of education, which is largely absent from many law curricula. Second, the Clinic offers an opportunity for law students to work together with students from computer sciences and other disciplines. This offers the chance not only to scrutinize the effect of technology on law, but also to reflect on the future of the law, and on the need for innovation in law-making, especially at the European level.

Setting up the Tech Law Clinic does require some start-up efforts, especially concerning the identification of relevant partners and stakeholders. However, the experiences gathered by far by the five partner Universities demonstrate that it is possible to secure both the participation of judges and practicing lawyers, and the involvement of industry partners. This Guide provides some practical tips as to how to identify and involve those partners effectively.

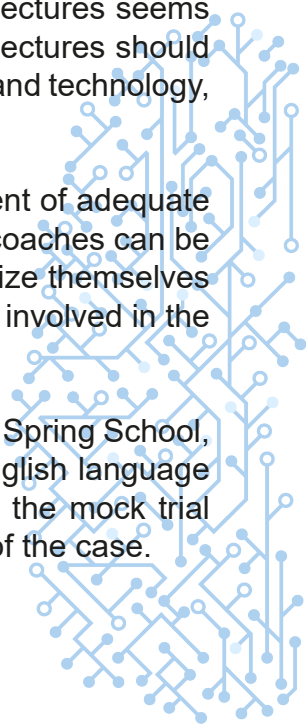
The experiences gathered by the project managers so far demonstrate that the recruitment of law and non-law students require two partially different and complementary strategies. Some factors (such as the students' interest for practice-oriented education) seem to be common across all partner Universities, and should be adequately used during recruitment. Other features of the Clinic, by contrast, seem to be important "selling points" in some partner Universities, but not in others. Further investigation is needed to validate this finding; for the time being, the project managers should maintain a flexible approach during recruitment, and be aware of the fact that the students may find certain aspects of the Clinic attractive or not, depending on local circumstances.

This Guide also provides practical guidance on how to write and adapt the case. The case should focus on non-harmonized fields of law, and contain sufficient legal and technological detail. At the same time, however, the case should be open-ended enough to allow for adaptation to local circumstances and to the specificities of each national legal system.

The students should develop sufficient knowledge for the drafting of the submissions and the judgments, as well as for the mock trial. To this end, the organization of a cycle of lectures seems to be an important added value of the Clinic. The project managers agree that the lectures should touch upon the topics of the case, but should also cover more general themes of law and technology, so as to provide the students with adequate background knowledge.

As for the preparation of the mock trial, the main focus should be on the development of adequate advocacy and rhetorical skills. To this end, the involvement of external experts and coaches can be very valuable. In addition, the Mock Trial offers a chance for the students to familiarize themselves with their national procedural law, and to revise the fields of substantive law that are involved in the case.

The Tech Law Clinic culminates in the Spring School. In order to ensure a successful Spring School, the project managers find it necessary to facilitate the students' transition to the English language and the development of an adequate technical vocabulary. In addition, organizing the mock trial shortly before the Spring School helps the students maintain a detailed knowledge of the case.



ANNEX – PROGRAM OF THE 2021 SPRING SCHOOL

DAY 1 (15th March 2021):

Morning : 9.30 – 11.30

9.30-9.45: Plenary Session - Welcome (Prof. Piet Hein van Kempen - Dean Law Faculty Radboud- ; Prof. André Janssen - Chair Professor of Private Law -)

9.45 – 10.15: Introductory remarks – Overview of the calendar for the week – Guidelines for the week (Tom Vennmanns, Pietro Ortolani + other members of the pedagogical team)

10.15- 11.00: Breakout Session: Discussion of the case and mock trial

10 teams of 6-7 students (each University is represented in each team) discuss their general views about the case, and what they have learned from the mock trial

Questions to be addressed by each group:

- What were the most relevant legal issues of the case?
- What were the most relevant technological issues of the case?
- Applying our national law to the case, what is the outcome of the case?
- Is this outcome fair? Do lawyers and computer scientists agree on this?

Goal of the session

Each team appoints a representative that will give a 5-minute pitch on the team's findings, and answer the questions above.

11.00-12.00: Plenary session (Pedagogical team)

Each team representative gives a 5-minute pitch of their results.

Afternoon : 14.30 – 16.30

14.30-14.45: Plenary Session: brief summary of the legal and technical issues identified during the morning and explanation of the assignment for the afternoon (Pedagogical Team)

14.45-15.45: Breakout Session: Top-level Choices on Legislative Intervention

10 teams of 6-7 students (each University is represented in each team) discuss what type of legislative initiative (if any) is necessary, in their opinion

Questions to be addressed in each group:

- What issues are in need of legal reform?
- Do these issues “belong” together, i.e. should they all be regulated in the same instrument? If not, which issues should be chosen?

• At what level should the new legal instrument be adopted? (National law/EU law/International law/Transnational law/Soft law) Why?

• What should be the form of this new legal instrument? (National statute/EU Directive/EU Regulation/EU Recommendation/Treaty/Model Law/Guidelines/Legislative Guide etc.)

15.45-16.45: Plenary session (Pedagogical Team)

Each team representative (different from the first one) gives a five-minute explanation of the choices that the team has made.



DAY 2 - Tech&Law Camp (16th March 2021):

Organized by RAILS (Robotics & AI Law Society)
 9.00 Welcoming (by Prof. Ortolani, RAILS, eLegal)
 9.10 Introduction to LawLift (by Lawlift Nadine Biefer)
 9.40 Lawlift Workshop (with Lawlift, eLegal and Coaches)
 12.30 Lunch Break
 13.30 Group Gathering (Feedback)
 14.30 Lecture AI
 15.30 Practical insight Legal Tech
 16.15 Farewell

DAY 3 (17th March 2021):

Morning: 9.30-11.50

9.30-11.50: Plenary Session – Guest Lectures: Regulating Technology, Modernizing Law

Presentations from different perspectives on the challenges of regulating new technologies

- Panel No. 1: (9:30-10:30) Administrative and state law

9:30-9:50 Prof. Sofia Ranchordás (University of Groningen; Full Professor of European and Comparative Public Law):

Automating Vulnerability: What Lies beneath the automation of government decisionmaking

9:50-10:10 Dr. Catalin Rusu (Radboud University; Associate Professor of European Law)

Competition law developments in digital markets

10:10-10:30: Questions and plenary discussion

- Panel No. 2: (10:30-11:30) Civil law

10:30-10:50: Naomi Appelmann (University of Amsterdam): The (procedural) perils of removing unlawful content of the internet

10:50-11:10: Dr. Allesandro Palombo (Jur AG, CEO and co-founder of legal tech company Jur AG): Decentralized dispute resolution types

11:10-11:30: Dr. Eliza Mik (The Chinese University of Hong Kong (CUHK) - Faculty of Law): What does it mean to make contracts smart?

11:30-11:50: Questions and plenary discussion

Afternoon: 14.30-16.30

14.30-14.45: Presentation of the assignment: Details of the legislative intervention (Pedagogical Team)

14.45-16.30: Breakout Session: Details of the legislative intervention

10 teams of 6-7 students (each University is represented in each team) discuss the content of the new legal instrument. Each team must find a consensus on the main questions.

Questions to be addressed in each group:

- Main goals of the legislative instrument:

controlling/prohibiting/facilitating/requiring/nudging behaviour of which actors?

- Why is this legislative intervention justified, adequate, proportionate and desirable? What is its legal basis?

- What are the main rules that should be introduced, to achieve the instrument's goals?

17.30-19.00: Online Pub Quiz organized by Radboud University



DAY 4 (18th March 2021):

Morning: 9.30-11.30

9.30-11.30: Workshop – "The Art of Presenting Your Proposal" by Artesc

Afternoon: 14.30-16.30

14.30-14.45: Presentation of the assignment (Pedagogical Team)

14.45-16.30: Breakout Session: Drafting

11 teams of 6-7 students (each University is represented in each team) decide how to present their law proposal

Questions to be addressed in each group:

- What is the added value of your legislative proposal, and how can you present it to a wide audience of non-specialists?
- What are the key "selling point"? Explain the main rules that you are proposing, and why they are important and useful
- Decide who is going to present for each team (one or more representatives)
- Decide whether you are going to use a short PowerPoint presentation and, if yes, prepare it

DAY 5 (19th March 2021):

Morning: 9.30-11.30

Plenary Session - Team Pitches

Each team presents its proposal for a new law to a jury composed by external stakeholders. The jury asks questions.

Jury members: A. Prof. Michel Cannarsa: Professor and the Dean of the Catholic University of Lyon Law School B. Marc Clément: Administrative judge at the Administrative Court of Appeal of Lyon (France) C. Alessandro Palombo: Expert in legal technology and Fintech. He is currently CEO and co-founder of Swiss legal tech company Jur AG. Piedade Costa de Oliviera: Lawyer and former member of the Legal Service of the European Commission

Afternoon: 16.00-19.00

16.00-16.30: Breakout Session for Jury – Deliberations (break for all other participants)

The jury discusses the proposals and chooses the winning team.

16.30-16.45 Plenary Session – Awards Ceremony

The jury gives its feedback on the proposals of each team and announces the winning team.

16.45-17.30 Break

17.30-19.00 Plenary Session: Online Bingo organized by Radboud University, and Closing of the Spring School