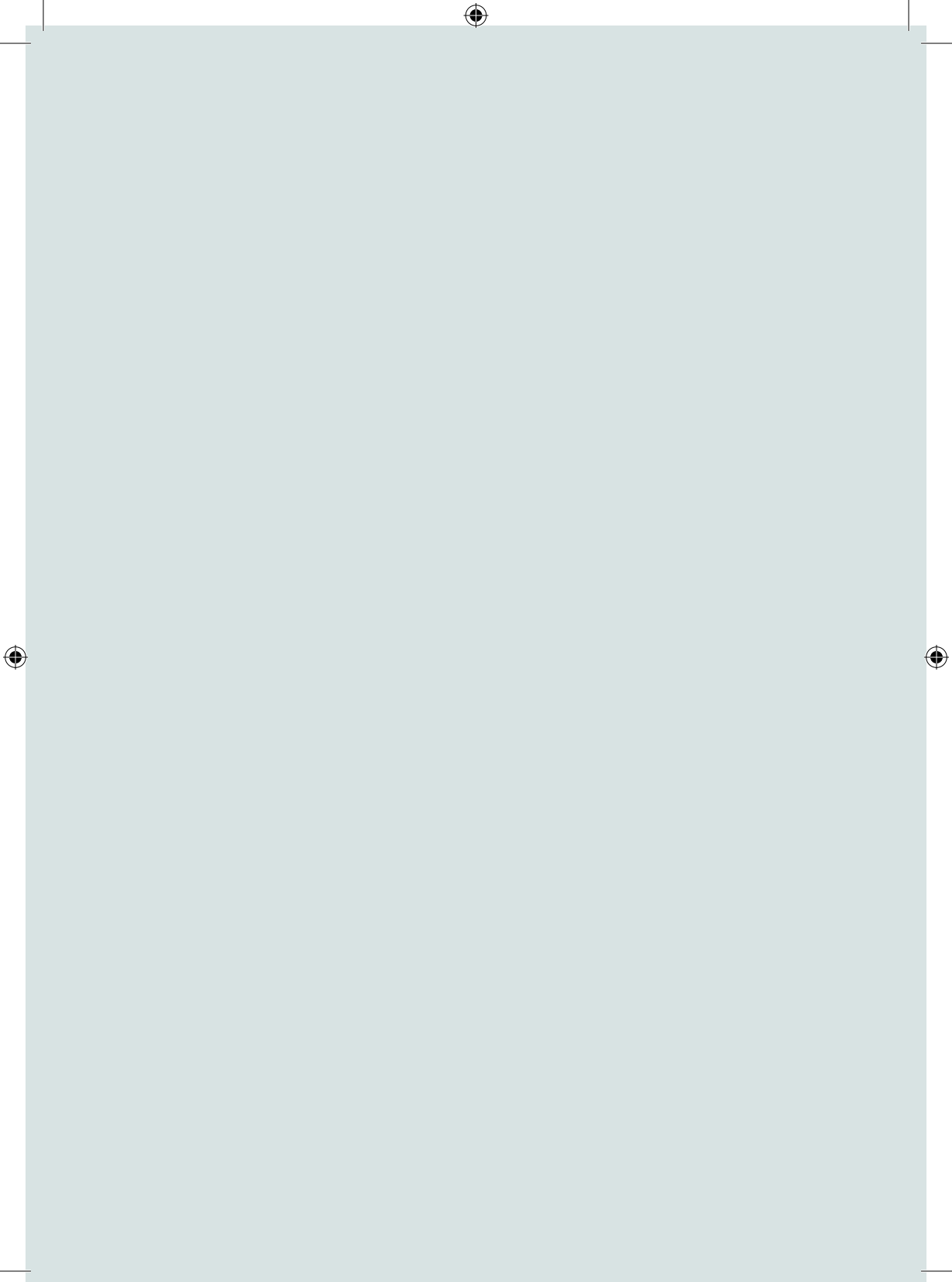




Establishing a University Start-up or Entrepreneurship Law Clinic Practical Tips



The iLINC Network



iLINC was established as a project funded by the European Commission under the Seventh Framework Programme to establish a European network of law clinics that bridge ICT entrepreneurs and start-ups with law students. iLINC has four core partners responsible for establishing the network: Queen Mary University of London, the University of Amsterdam, KU Leuven University and the Hans Bredow Institute for Media Research. The Brooklyn Law Incubator and Policy (BLIP) Clinic

at Brooklyn Law School has also been an invaluable source of support as an associate partner in helping to establish iLINC as part of global network of law incubators together with EshipLaw in the USA.

A key aspect of iLINC's mission is to create an open network of law clinics. This means that iLINC has a growing number of active partners, some of which are already in a position to provide legal services to start-ups, and some of who are in the process of establishing their own legal clinics.

For more information on the iLINC Network visit www.ilincnetwork.eu

Patrick Cahill,
qLegal, Queen Mary University of London

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Introduction

University law clinics provide legal advice to a number of clients. The advice is primarily provided by students, under the supervision of qualified lawyers and is known as clinical legal education.

Clinical legal education has been enshrined in the education of US law students for many years through the postgraduate quasi-professional qualification, Juris Doctor. However, in Europe, legal education has historically centred on traditional lectures, with lecturers presenting theoretical legal concepts to students. Institutions have therefore placed less emphasis on students developing important legal skills such as corresponding with clients, interviewing clients, counselling clients, professional conduct and ethics within the legal profession, negotiation, litigation, practical legal research and management of legal work. Skills which have been identified as fundamental lawyering skills.

Moreover, engaging postgraduate students from university-based law clinics has been relatively unheard of in Europe. Many law clinics in Europe are facilitated for undergraduate law students using different approaches and models in providing advice.

Law clinics too are generally focussed on providing advice to clients with low incomes or those that do not have access to legal aid, primarily in housing, family, immigration and employment law. There is now a movement in Europe to provide legal services to start-up companies on commercial and corporate law.

This practical guide outlines the top ten things to consider when establishing a model for a clinical legal education programme advising start-ups and entrepreneurs at a university.

1. Get support

Establishing a model of clinical legal education at a university can be challenging. There are a number of factors to consider including support from colleagues, operational hurdles, regulatory issues and funding. One of the most important considerations is deciding on what model of clinical legal education to adopt. There is no model that fits for every

law school and the model will very much be dependant on a number of factors that are considered in this publication. However, support and some initial funding can help in the early stages of establishing a clinical component to your law school. The table below indicates where your law school may be positioned in the clinical programme(s) if offers it students:

Entrepreneurship Clinics: What level is your institution?			
	Students	Entrepreneurs and Start-ups	The Institution & Stakeholders
1	<ul style="list-style-type: none"> No institution-led clinic or advice work undertaken by students No institution-led pro bono activity undertaken by students 	<ul style="list-style-type: none"> No institution-led legal advice provided for clients No institution-led public participatory activities for clients such as a workshop or meet-up No awareness of the work of the institution by the start-up community 	<ul style="list-style-type: none"> No willingness or interest from the institution or staff in establishing a legal clinic or pro bono activity No partnerships, reach or communication with local hubs, accelerators, libraries or law firms
2	<ul style="list-style-type: none"> No institution-led clinic or advice undertaken by students Some institution-led pro bono activity undertaken by students such as an ad-hoc workshop or information published online Some students participating 	<ul style="list-style-type: none"> No institution-led legal advice provided for clients Some institution-led public participatory activities provided for clients such as workshops or meet-ups Little awareness or understanding of the work of the institution by the start-up community 	<ul style="list-style-type: none"> Some willingness or interest from one or more staff members of the institution to establish a legal clinic or pro bono activity One or more staff members of the institution facilitating public participatory activities for clients such as a workshop or meet-up
3	<ul style="list-style-type: none"> Some institution-led clinic or advice work undertaken by students Some institution-led pro bono activity undertaken by students such as ad-hoc workshops or information published online Few students participating 	<ul style="list-style-type: none"> Some institution-led legal advice provided for clients Some institution-led public participatory activities provided for clients such as workshops or meet-ups Good awareness and understanding of the work of the institution by the start-up community 	<ul style="list-style-type: none"> Good support and understanding of the activities and services of the legal clinic by a number of stakeholders internally and externally A number of staff members of the institution facilitating public participatory activities for clients such as a workshop or meet-up

Entrepreneurship Clinics: What level is your institution?

	Students	Entrepreneurs and Start-ups	The Institution & Stakeholders
4	<ul style="list-style-type: none"> A variety of institution-led clinic, advice work and pro bono activity undertaken by students The institution is well-respected by students as a provider of clinical legal education A high proportion of students participating 	<ul style="list-style-type: none"> A number of legal services provided for clients, including a variety of areas of law, initial advice and casework A number of institution-led public participatory activities for clients such as workshops or meet-ups The start-up community has a good awareness and understanding of the work of the institution 	<ul style="list-style-type: none"> Excellent support and understanding of the activities and services of the legal clinic by a number of stakeholders internally and externally Established partnerships with some local start-up hubs, accelerators, libraries and law firms Institution-led activities have an international reach in the field of clinical legal education
5	<ul style="list-style-type: none"> Well-established and respected institution-led clinic, advice work and pro bono activity undertaken by the majority of students A wide variety of institution-led clinic, advice work or pro bono activity established within the curriculum The institution is looked upon by students as a leader in the field of clinical legal education 	<ul style="list-style-type: none"> A wide variety of legal services provided for clients, including services spanning a variety of areas of law, initial advice and casework A wide variety of institution-led public participatory activities for clients such as a workshops or meet-ups The institution is well respected and valued by the start-up community with an excellent awareness and understanding of the work undertaken 	<ul style="list-style-type: none"> Widespread support and understanding of the activities and services of the legal clinic by a number of stakeholders internally and externally Well established and respected partnerships with a mix of local start-up hubs, accelerators, libraries and law firms Institution-led activities have an international reach in the field of clinical legal education

If you have made a decision to begin to explore different opportunities to establish a law clinic for students advising start-ups and entrepreneurs, then it is important to get input and support from your institution, colleagues, partners (the legal profession and other partners), and students. One of the best ways to get input and support from colleagues and your institution is to undertake a benchmarking exercise, looking at clinical legal education programmes at other institutions both in Europe and the US. A high proportion of law schools now offer some degree of clinical legal education and the majority of clinicians are very happy to communicate and share experiences of their challenges, work and success through networks such as iLINC and EShip law.

It may also help to survey students and ask them whether they would value a law clinic or some form of experiential clinical learning. Students are very keen to learn practical legal skills, to meet and advise clients and to understand and experience the role of a lawyer. This experience is useful for employability as well as framing theoretical legal scholarship and study.

The profession are also supportive of students learning and developing practical legal skills. A law clinic or form of experiential learning can strengthen an institutions relationship with legal and non-legal partners. For example, qLegal's relationship with partners is profiled.

1. Get support

Clinic in Focus



qLegal is based at the Legal Advice Centre, Queen Mary University of London. Queen Mary has a long tradition of clinical legal education. qLegal provides free legal advice to technology start-ups and entrepreneurs, most of which are based in Tech City (a term used to describe the East London hub in which there

are many co-working spaces, accelerators, office space and technology companies, particularly at an early stage of the business cycle). The proximity of the University to the area combined with the need for free legal advice for early stage start-ups were catalysts for founding the clinic. Moreover, the qLegal clinic's scope of advice supplements and links to the modules taught on various LLM programmes at the Centre for Commercial Law Studies at the University. This provides students with an opportunity to advise clients on aspects of a their legal issues which closely align with their studies and theoretical knowledge.

The clinic is extracurricular and does not currently form part of any an assessment for students.

Thirty-six students from select LLM programs are selected from an application form to participate in all of the three strands of the clinic- Advice , 'Small Print' Workshops or Toolkits . Students are then split into six groups of six, with each group concentrating on Advice, 'Small Print' Workshops or Toolkits over two semesters. Once students are selected for the clinic, they attend training covering an induction to the clinic and a number of sessions on legal skills relevant to the work that they undertake.

qLegal works with a number of legal and non-legal partners including Mills & Reeve, Cooley, Google Campus, Morrison & Foerster, Kilburn & Strode, Intel and Unisys. Partners provide assistance in a number of ways including pro bono legal support, facilitating meetings and events, and providing training sessions for students. Legal and non-legal partners are long-term supporters of qLegal and are instrumental in providing students with the opportunity to explore different career paths within the technology, innovation, law and business sectors. For more information visit the qLegal website:

www.qlegal.qmul.ac.uk

2. Know your clients

Understanding the profile of clients that your law clinic or clinical legal education programme will provide legal advice to is important. By understanding the needs of clients (both entities and individuals), law clinics can respond with appropriate, measured and specific services that are in line and reflect the learning outcomes of students. Client focus can be dependent on a number of factors including: (i) the target client of the clinic; (ii) the location of the clinic; (ii) the location of clients; (iii) the services offered by the clinic or programme; and (iv) the model(s) by which advice is provided to clients.

Before you design and implement a clinical programme, you may find it useful to ask students to survey potential clients to ascertain what legal issues are of importance to them and the stage that their business or idea is at. Legal services can then be tailored to provide advice on specific areas of law through models which work and are beneficial for clients and students.

Clinic in Focus



BLIP, Brooklyn Law School

BLIP at Brooklyn Law School is a legal clinic that provides advice directly to the technology start-up community in New York. This is the target client base for the clinic as the clinic is located in proximity to a Tech-hub. The clients are therefore close to the clinic and the services offered to clients are very much in response to legal problems and issues that are encountered by a particular client group. BLIP provides single client bespoke advice to clients as well as multiple client advice (workshops), which is in response to client need. For more information visit the BLIP website: <http://www.blipclinic.org/>

3. Student focus

As with any programme involving students, when considering establishing a law clinic or clinical programme advising start-ups and entrepreneurs, it is imperative to undertake a diligence exercise on the level, skills, learning outcomes, educational benefit and time involvement for students. It is also important to consider whether the student participation in the law clinic or clinical programme will be assessed. Although students providing legal advice in a start-up or entrepreneurship law clinic at the majority of universities in Europe are studying at postgraduate level (focussed on commercial law including intellectual property, data protection, patents and trademarks), this is not pre-requisite. A number of entrepreneurship and start-up law clinics and clinical programmes are established for undergraduate students.

Participating in a start-up or entrepreneurship clinic provides students with the opportunity to put their theoretical knowledge of the law into practice and apply the wider commercial aspects of how businesses operate. Secondly, many students have an interest in practising transactional or commercial law and see their involvement as a route to qualification as a lawyer. Therefore, students are keen to gain experience in providing advice to commercial clients and the clinical skills that students learn are of particular relevance to those students in their future career plans.

Clinic in Focus



Business and Commercial Firms, Student Law Office, Northumbria University, Newcastle

Northumbria University Student Law Office offers a full advice service to clients.

Clients make an enquiry through the administrative team by e-mail or phone.

A lecturer (who is a Solicitor and supervisor employed by the university) then decides on what aspects of the case the clinic can assist with after a review of a client summary sheet. This is decided on a case-by-case basis.

Clients are then booked in for an interview with students, if their case is appropriate for the clinic. Students prepare questions in advance of the interview and check these with their supervising lecturer. The students interview the client alone and do not divert from the questions, which have been agreed.

For the legal issues that the clinic can help with, the students will take responsibility for the client, write to the client, make telephone calls and communicate directly with the client. The end work product is advice, which may include a full package of drafted legal documents specific to the client's business.

The clinic is different to other clinics in the UK and Europe as students undertake a combined integrated Masters degree and upon graduation leave with an LLB (undergraduate law degree) and a Legal Practice Course qualification (a postgraduate course which is essential to undertake training as a Solicitor in England & Wales). As a result of the LPC requirement, students have to provide advice in an interview as well as drafting written advice.

For more information visit the Student Law Office Website: <https://www.northumbria.ac.uk/about-us/academic-departments/northumbria-law-school/study/student-law-office/>

4. Legal Advice

A significant part of business failure can be attributed to the lack of awareness and the unmet legal needs of start-ups and entrepreneurs. The legal landscape in which they operate is rapidly changing and the legal issues that are faced by start-ups and entrepreneurs are becoming increasingly international rather than national. National, European and international bodies and governments have recognised that in order to support small businesses and increase investment opportunities, law reform is required particularly in the areas of employment, intellectual property, tax and regulation.

This unmet legal need has been reflected in the clients that have instructed university entrepreneurship law clinics in the UK and USA. It is therefore important to consider both the scope (what areas of law to provide advice on) and level of legal assistance (whether it be initial advice or casework) that your law clinic or clinical programme will offer to clients. The scope and level will be dependent on a number of factors including students' knowledge, the legal specialism of supervisors, time, resources, funding, clients' needs and model of legal advice delivery.

Clinic in Focus

The logo for CLiNC, featuring the letters 'CLiNC' in a bold, white, sans-serif font. The 'i' is lowercase and has a blue dot. The letters are set against a dark teal rectangular background.

CLINIC, University of Amsterdam

The Clinic Foundation is the only specialised law clinic offering legal aid in the areas of technology, media and communication in The Netherlands. The Clinic offers free legal assistance, with final-year information law students answering questions, supervised by experienced lawyers from a number of law firms. The Clinic assists individuals and entrepreneurs on issues such as copyright, trademark law and internet privacy; and provides innovative start-ups with assistance on more complex legal issues.

For more information visit the CLINIC website: <https://clinic.nl/>

5. Models of advice delivery

Law clinics provide advice to clients in a number of ways and there is no one model which will be a perfect fit for your institution or students. Some models of advice delivery are detailed below.

- **Single client model:** One-to-one advice
- **Multiple client model:** One-to-many advice
- **Portal or online model:** Advice being provided over the Internet or other digital platform
- **Clinic insight model:** Students visit a university with a law clinic to gain experience in clinical advice

There are a number of ways in which clinics engage with clients within each clinic model, highlighted below.

Clinic in Focus



**Single Client,
qLegal Queen Mary
University of London**

qLegal services are provided by students under the supervision of qualified volunteer lawyers and the qLegal Manager. Clients attend a 45min-1 hour appointment with two qLegal student advisers and a qualified lawyer. Students then research the advice with input from the qLegal Manager. The advice is checked by the supervising lawyer in the case and sent to the client within twenty-one days of the date of the appointment.

Clinic in Focus



**Multiple Client, BLIP,
Brooklyn University,
New York**

BLIP students deliver workshops and group lectures at various

incubators, accelerators, co-working spaces, community groups and schools throughout New York City. After the workshops and lectures, students sit with prospective clients and draft the BLIP intake form with them. This is a method of recruiting clients for the legal clinic.

5. Models of advice delivery

Clinic in Focus



Insight model, qLegal, Queen Mary University of London and Oslo University

The University of Oslo does not currently have a clinical programme due to regulatory issues with pro bono work in Norway. However, students and staff at the University were keen for students to participate in undertaking some form of clinical insight at another law clinic. A partnership was established between the University of Oslo and Queen Mary University of London. Two students from University of Oslo were selected to undertake a clinical placement at qLegal and this was managed remotely. The students with input from the qLegal supervisor drafted a consultation response to the Information Commissioners Office Strategy 2015-2018. Eighteen students then visited London over a two-day period to learn about clinical legal education. They participated in workshops with qLegal students at Google Campus, visited the Digital Catapult Centre, networked with start-ups and lawyers and participated in a mock IP case at The Royal Courts of Justice. The clinical insight and student research trip illustrates a model that can be adopted by other universities, who for various reasons do not currently have a clinical legal education programme.

For more information visit the University of Oslo website: <https://www.uio.no/english/>

Clinic in Focus

CLINC

Portal Advice, CLINIC, University of Amsterdam

CLINIC Amsterdam provides all advice via a web-based platform, which has various sections including FAQs or standard reply letters (e.g. Response to copyright infringement) and 'first aid' booklets. The website also contains basic information in plain language about laws and regulations (e.g. on copyright exceptions and limitations, trademarks, contracts, including distance selling, privacy and cybercrime).

6. Insurance

Insurance (public liability and indemnity insurance) is important and can take considerable time to agree with insurers. All legal advice that is provided through each delivery model requires professional indemnity insurance, as students are generally not qualified lawyers and therefore do not hold a practising certificate (or equivalent) or professional indemnity insurance. There are four ways in which a legal clinic can be insured, outlined below:

- Indemnity insurance under an existing (university) policy
- A separate (university) indemnity insurance policy for the legal clinic
- Indemnity insurance if a law firm supervises legal clinic work (i.e. lawyers draft clinic advice on law firm headed paper)
- Insurance provided by a third sector pro bono organisation (such as LawWorks in the United Kingdom).

It may be worth considering whether to place criteria on client selection, detailed later which reflects any insurance policy.

7. Supervision

The legal advice that is provided in a law clinic or clinical programme requires supervision by a qualified lawyer. There are two main ways that current law clinics supervise students' work:

Internal: Lawyers are employed on a part time or full time basis by an institution to supervise students' work.

External: Lawyers from in-house teams and law firms volunteer at a law clinic and supervise students on a pro bono basis.

In both cases, it is recommended that the supervisor be specialised in the area of law that the clinic provides advice on and for law clinics where students work is assessed, internal supervision is more common.

Clinic in Focus



Start-up Clinic, Alexander von Humboldt-Institute for Internet and Society, Berlin

Startup Clinics are part of the research project 'Entrepreneurship and Innovation' at the Alexander von Humboldt-Institute for Internet and Society. The Clinics are a service offered to startups free of charge. Founders can attend individual sessions with PhD students who help solve specific challenges. Start-ups then receive support directly, via introductions to relevant mentors (including lawyers) from the clinic's network, or through online resources.

The Clinics and PhD research are focused on innovative internet-enabled start-ups and the clinics provide a platform to closely follow current developments in the field. By connecting innovative start-up processes with relevant research, the clinic is able to identify, support and mediate between significant developments in the field. It shares knowledge with a local and global network of stakeholders who are interested in supporting and researching Internet-enabled start-ups.

For more information please visit the Start up Clinics website:
<http://www.startup-clinics.com/>

8. Online marketing

In addition to more traditional marketing mediums (for example print, word of mouth, radio), it is important for law clinics to publicise the work that they are undertaking to a range of internal

Online resource	Use of online resource
Technology meet-up groups	<ul style="list-style-type: none"> To advertise multiple-client engagements. To promote the other services (single-client/portal) offered by the law clinic. To recruit potential clients.
Legal clinic website	<ul style="list-style-type: none"> To inform students of the law clinic opportunity. To inform potential clients of the services offered by the law clinic. To provide portal advice. To advertise multiple-client engagements.
Facebook and Twitter	<ul style="list-style-type: none"> To advertise single, multiple and portal client engagements. To recruit and retain potential clients. To inform potential and retained clients of interesting news stories and development in the sector.
Partner websites	<ul style="list-style-type: none"> To advertise multiple-client engagements. To advertise the clinic.
Online advertising	<ul style="list-style-type: none"> To advertise single, multiple and portal client engagements.
E-mail	<ul style="list-style-type: none"> To inform students of the law clinic opportunity. To advertise single, multiple and portal client engagements.
Events	<ul style="list-style-type: none"> To recruit clients for single-client engagements. To advertise the clinic.

Clinic in Focus

BLIP, Brooklyn Law School

BLIP at Brooklyn Law School uses a number of online platforms to market the clinic and engage with clients. The BLIP website contains details of events, client intake (including an online form), a blog and news stories. Students regularly write in the blog about legal issues which are of importance to the start-up community, comment on law reform projects and use online resources and software to develop tools for clients. In addition, the clinic has an active Twitter following and staff who supervise and manage the clinic use online media to celebrate the success of clinic work.



For more information visit the BLIP website: <http://www.blipclinic.org/>

and external stakeholders (including clients). One of the most efficient means of marketing and publicising the work of start-up law clinics and clinical programmes is through the use of Internet resources. It is important that clients are aware of the services that are offered by legal clinics, how they can access those services and what they can expect from law clinics. Clinics tend to 'advertise' and raise awareness of their services via different online resources detailed to the left.

9. Client Selection

Clinic in Focus

KU LEUVEN

Clinic in Focus, KU Lueven lusStart Clinic

Students at KU Lueven work in the law clinic when undertaking their master thesis. The students advise on IP and IT law and on enrolment are appointed to a law firm, and work as a student-trainee for the law firm. Students receive an e-mail address from the law firm, and are supervised by the law firm. As such, they fall under the insurance, liability and client confidentiality of the law firm.

KU Leuven uses the following client selection:

- The clinic has a strong partnership with Startup Hubs
- A call, detailing the services that are offered by the clinic is sent to Startup Hubs in advance of the academic year
- Potential clients respond to the call by e-mail, detailing their business model and legal requirements
- Out of the replies received by the clinic, eight clients are selected
- The selection requirement includes clients that have legal issues of educational benefit for the students, are engaged, motivated and active
- Clients also have to have €50,000 or below turnover

For more information visit KU Leuven lusStart: website:

<http://www.lcie.be/nl/iusstart>

Access for clients to legal clinics is extremely important. All law clinics restrict access to clients for a number of reasons which you may want to consider:

- The client's legal issue is not of educational benefit to students
- The clinic does not have capacity to deal with all enquiries and therefore some clients have to be signposted elsewhere
- There isn't the requisite expertise in-house (by supervision) or from students to deal with the client's legal issue adequately
- Indemnity insurance provides that the legal clinic works with clients of a particular size (either in monetary or life-cycle terms)
- The client is out of the catchment area of the legal clinic
- The legal clinic is only operates during certain hours during a week and/or times during the year (e.g. term-time), which limits availability
- The legal clinic means-tests clients

10. Feedback

Clinics in Focus - Client Feedback

Legal Clinic	Client feedback
qLegal	Clients are sent an online questionnaire after the advice session and workshops. However, the return rate is low.
HBI Clinics	Clients are sent a feedback survey after the advice session and workshops. However, the return rate is low.
Brooklyn	Minimal client involvement or feedback after the service delivered.
Amsterdam CLINIC	Client feedback is incidental and client initiated.
Northumbria	Clients are sent a paper questionnaire after the advice session.

Feedback is important for a number of reasons. It benchmarks the services provided to clients, provides students an opportunity to feedback on their experience and suggest improvements, and positive feedback can impact on future funding application. It is therefore an important and final consideration in developing a start-up and entrepreneurship law clinic or clinical programme. Most law clinics have no difficulty in recruiting and retaining clients during the advising process. However, once the client relationship ends, few clinics do little to:

- Measure the impact that the legal clinic's advice has had on the start-up or entrepreneur in terms of growth, revenue and stability
- Contact the client to invite them to future legal events and appointments
- Receive feedback on the legal clinic's performance
- Receive feedback on the students' performance

There may be a number of reasons for this including:

- The time and resource implications in following up with each client and assessing the impact of the legal advice that they have received
- Difficulties in clients responding to requests for feedback
- The structure of some feedback forms being long and difficult to complete
- What the need and use of feedback is for a law clinic
- Clients only give negative feedback, if at all
- Feedback hasn't been given much consideration by legal clinics.

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