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DRAFT REPORT OF DATA PROCESSED FROM QUESTIONNAIRES FOR ENGAGEMENT OF INTERNS AT KOSOVO BAR ASSOCIATION

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1. INTRODUCTION

The internship performed at Kosovo Bar Association is regulated by the Law on Advocacy. The Law on the Advocacy defines the intern candidate as a graduate lawyer who is enrolled in the internship register and under training for the profession of attorney. The Law on the Advocacy also provides for criteria for the registration of interns as well as their rights and responsibilities. The Professional Code of Ethics for Lawyers defines in a special chapter the relations between attorneys and interns. On the purpose of detailing the rights and responsibilities of interns during internship, the KBA Steering Council adopted the Regulation on Internships on 31st of October 2008.

As stipulated in the Law on Bar Exam, a condition to undertake the Bar Exam is to have worked at least one (1) year in legal matters in the courts, state prosecutor's or the law offices, or, to have worked at least two (2) years in law professional cases in-country or abroad, in public institutions, state agencies and in administration of international institutions in Kosovo.

At the reported period, the KBA counts 878 attorneys and 282 interns.

The purpose of the one-year internship is that under the mentorship of attorneys interns within the internship period will acquire practical and theoretical knowledge and knowledge of the way attorneys work, prepare for the Bar exam, deepen their professional knowledge as well as to be prepared for entry into the advocacy profession.

The internship in law enforcement institutions such as in courts, prosecutor's offices and administration bodies is very limited and impossible to be available for a large number of newly graduated lawyers from a total of five (5) state universities and eight (8) Private Colleges Accredited by the Kosovo Accreditation Agency as well as the University of Prishtina in northern Mitrovica¹. Hence, a large number of law internship starts in the attorney's offices through the Kosovo Bar of Attorneys. The Kosovo Bar Associate does not have a candidate referral system for interns at the attorney's offices. The research for internship opportunities is mainly performed by the interested candidate to conduct the internship.

The internship at attorney's offices is mainly of volunteering bases, and there is not a defined payment in any law act, and this rapport is down to the inter-relations between the attorney and

¹ University of Prishtina in north Mitrovica is not accredited by the Kosova Agency of Accreditation.

the intern – except those very few cases when the intern is on paid internships financed by different donors.

To avoid the formal registration of interns at attorney's offices KBA has issued a decision that prohibits attorneys to mentor more than two interns/interns at the same time.

The Kosovo Bar Association as part of the Balkan Bar Associates Network, a project financed by ABA/RoLI, together with the other bar associates' part of the Balkan Network during this year started in the framework of the working group the analysis for internship of the current situation for engaging interns through Bar Associations.

The Questionnaires were drafted (for the attorneys and interns) and were further distributed via the electronic mail of KBA to all attorneys and interns on July 4th, 2018.

The analysis and processing of responses received from attorneys and interns/interns revealed the below conclusions obtained from the questionnaire:

2. QUESTIONNAIRES FOR THE ATTORNEYS

Out of all questionnaires distributed, 35 attorneys submitted the completed ones. The responses are as follows:

1. Gender

74.29 percent of the interviewed attorneys were males and 25.71 percent were female.

2. Age

23 percent of the interviewed are in age range of 20-29 years old, 17 percent of the interviewed are of the age range 30-39 years old, 11 percent belong to age range 40-49 years old, and the majority of the interviewed attorneys are of age 50 years old and above or 49percent.

3. Type / Status (type of offices where the internship takes place)

Considering the organisational form of the attorneys' office, 94.29 percent of interns interviewed performed the internship at the attorney's private office and only 5.71 percent of them at law firms.

4. Law area needing an intern

The majority of interviewed declared that they mainly need interns in civil law area and equally the same in criminal law, and a very small number of interviewees responded for the need of an intern in the general and administrative area.

5. Engaging interns

Most of the attorneys, or 28.57percent, responded that they have engaged their interns based on recommendations; 25.71 percent responded to have engaged them in other forms (such as mutual connections, family relations etc), 14.29 percent with the help from their colleagues, 11.43 percent responded that they engage interns through the Bar Association webpage; 8.57 percent in cooperation agreements with the universities and only 5,71 percent have engaged interns through the public test/competition.

6. Difficulties in finding and engaging interns

Most of the respondents or 74 percent of them, did not have any difficulties in finding and engaging interns, and only 26 percent of the respondents stated they had difficulty in finding and engaging the interns.

7. The reasons of difficulties/obstacles faced in searching for interns

26 percent of the interviewed responded to have difficulties in finding and engaging interns. The main difficulties quoted are: interns lack of interest for internships; failure to observe working hours, lack of trust relationship amongst the intern and attorney, and lack of payment for the internships.

8. Internship selection process

The interviewed attorneys responded that the process of engaging interns is mainly performed by organizing an in person verbal interviews, and the attorneys pose general and technical questions. In rare cases, the attorneys engage interns without conducting an interview at all, based only on recommendations.

9. The reasons of difficulties/obstacles faced in selecting an intern

In general, the interviewed reported that they do not face difficulties or obstacles in selecting the interns, and a small number of the interviewed responded that the difficulties were faced with the intern's request for internship payment, building of trust between the attorney and intern, and lack of interns' professional qualities from schooling.

10. How long does it take to find an intern?

The interviewed attorneys responded that the time needed to engage an intern in their offices is relatively short and that the process varies from a few days to up to three months due to the high number of candidates interested in internships.

11. Are you seeking for interns to work in a specific law area or to perform general law tasks?

Almost all of the attorneys asked, responded that they engage the interns in internships of their office for general law tasks.

12. How does the Bar Association support the internship process?

Some of the respondents declared that Bar Association supports the internship process only via the official registration and with issuance of certificates at the end of the internship process; the remaining respondents answered that the internship process is supported by the Bar Association through provision of trainings, referral of candidates for internships to attorneys' offices and by supervising them in line with Association's normative acts.

13. Are you of the opinion that the Bar Association and Law Universities should have a leading role in the research and engagement of intern's process?

Almost 30percent, or one third of respondents, declared that the Bar Association or Law Universities should play an important role in the process, whereas, the other respondents

highlighted that the process of engaging the interns at the attorney's offices is a matter pertaining to the interested candidates and attorneys. Few of the respondents underlined the need to have identified candidates with good performance during their studies and then to engage them.

14. Is the financial payment for interns a fundamental condition for deciding whether or not to engage them?

Over 50 percent of the respondents highlighted that the financial aspect is a fundamental condition for the engagement of the interns due that it increases the interns' motivation and commitment while performing their internship. The other respondents are of the opinion that the financial payment is not the main criterion for engagement in internship, based on the fact that the internship/internship is in the interest and willingness of the interns to perform internship and to gain professional knowledge to the extent possible.

15. Is the candidates' previous experience relevant for their selection as interns?

Approximately 60 percent of the respondents declared that previous experience is important for their engagement in internship work, and 40 percent highlight that they do not base their decision for candidate engagement on previous experience as they are considered as beginners in the area.

16. What are the rights and responsibilities of the interns in your office?

The attorneys report that the interns are included in all tasks relevant to the attorney's office, analysing the facts case's, participation in court sessions, hosting of clients, drafting of legal papers, update of casus matter, perform administrative tasks, sending of paperwork to judicial and other administrative bodies.

17. The obstacles and difficulties faced by attorneys during the internship of interns.

Some of the respondents identified intern's lack responsibility for the tasks, lack of professional knowledge, lack of previous experience, lack of courage to undertake action, failure to observe working hours etc. However, a considerable number of respondents, approximately 45percent, report that they did not face difficulties and problems during the internship period.

18. Do you train and supervise the interns, and how many hours a week you allot for this?

Majority of attorneys, respectively 77.1 percent of respondents, declare to train and supervise the work of interns, whereas 8.6 percent declare not to train and supervise them. The responding attorneys declare to convey their knowledges on daily basis to the interns throughout the time. They declare that knowledge is conveyed via mentoring the intern's work, engagement with them in direct professional discussions, and by being actively included in court cases together with their mentoring attorneys.

19. Do you, during the internship of the intern, assign them besides the duties and responsibilities additional office tasks as per your scope of activity (e.g. printing of materials, purchasing office supplies, etc.?)

25 percent of respondents declare that they do not assign additional tasks to the interns other than those defined in the domain of duties and responsibilities pertaining to them, whereas the majority, 75percent, report that interns also perform additional tasks such as; photocopies, bank related activities, preparation of invoices, sending of materials to court, post office etc.

20. Are you satisfied with the intern's work, efficiency, speed and knowledge possessed?

48 percent or approximately half of the attorneys attest that they are satisfied with the commitment of the interns, whereas, 52 percent declare that they are partially or averagely satisfied. Amongst these there are also cases when the attorneys are not satisfied with the intern's performance during the internship.

21. Do you think that the experience on law internships gained in your office is sufficient, or an additional training is necessary during the internship programme, e.g. e-courses or class-based trainings delivered by attorneys specialised in law areas?

Less than half of respondents, 43percent, believe that their internships created an adequate basis for interns to continue further independent work, and 57 percent of the respondents believe that additional education is needed - these additional trainings should mainly be organized by the Bar Association.

22. Which training modules would the interns be interested in?

Attorneys responded that their interns needed additional education 25.7 percent report that trainings should be related to the preparation of the paper work and its submission to the court; 22.8 percent report for training needs on the management of legal internships, 17.6 percent responded for trainings related to client and attorney rapport; 14.3 percent responded for training needs professional integrity and ethical obligations topic; while 2.8 percent responded for the need of organizing trainings on the preparation of applications and defence; and 8.6 percent reported for other completely different topics.

23. What are your impressions on the interns once the internship programme has ended?

On overall, the attorneys reported that once the internship programme has ended, their impressions were mostly positive or good ones. They also declared that once the programme is over, the interns independently exercise the profession such as a judge, prosecutor, attorney, or public notary, and some respondents declare to have employed their former interns as attorneys at the law firm. They also responded once the internship programme has ended in general they remain on good relationship terms with their former interns.

24. Would you employ/ have you employed the intern at your office once the internship period is over and once Bar exam has been passed?

Out of all respondents, 31 percent replied positively to employ the intern (or have employed already) once the internship programme has ended, whereas 69 percent replied negatively on employing the interns mainly for the reason that once the internship has ended, interns become independent and continue their career path as attorneys, or other types of profession in the judicial system structure.

25. Do you think that the intern has learned enough during the internship period and that you have played an important role in this process?

54 percent of respondents believe that the intern has learned sufficiently during the internship, whereas the remaining percentage believe that the interns have not learned and neither got engaged sufficiently, although this is dependant to each intern on their will, potential and interest shown towards the learning process.

26. Do you believe that the financial payment that you provided to them for the internship period is sufficient to motivate them to remain with you until the end of the internship period?

Less than half of the respondents – 49 percent - believe that the offered payment was not sufficient and 51 percent thought differently. Some of the respondents declared that to an intern the main motivator should not be the financial payment, but the opportunity given to learn from internship.

27. Do the interns remain, or have they remained at your office once the internship period has ended?

Less than half of the attorneys asked (43percent) replied that the interns remain with them after the internship period, and 57 percent replied that they do not.

28. Anything else to add?

At the end of the questionnaire, the attorneys surveyed declared the necessity to set-up financial funds for engagement of paid interns; the importance of exchanging interns amongst courts, attorneys' and prosecution offices during internships with the aim to exchange knowledges, as well as that the Bar Association should organize more trainings for interns.

3. QUESTIONNAIRE FOR INTERNS

Out of all 280 questionnaires distributed, the Bar Association received 38 questionnaires completed by interns.

The intern's completed questionnaire data analysis revealed the below conclusions:

1. Gender?

52.6 percent of the interviewed interns were males and 47.4 percent female.

2. Age?

The majority or 76.3percent, of the surveyed interns are in age range of 20-30 years old.

15.8 percent were of the age range 31-40 years old, and 5.2 percent belong to age range over 40 years old.

3. Level of education at the beginning of internship?

Majority, or 73.7 percent of respondents had completed law university studies, and 23.7 percent of respondents had completed postgraduate studies.

4. *Lifespan of internship period?*

Overall the interns declared that the internship period in attorney's offices last 1 year.

5. *Did the surveyed interns face difficulties in obtaining internships?*

The majority of respondents, 78.9 percent of them, declared not to have had difficulties in finding internships and only 18.4 percent declared the opposite; amongst those having difficulties in finding internships it was highlighted that the problem was the fact of unpaid internships and that attorneys also respond not to have the office premises to accept interns.

6. *Please explain the obstacles and difficulties encountered in choosing the attorney or the law firm that you were or currently are performing the internship.*

Majority of the interns surveyed stated that they did not encounter difficulties in choosing the attorney to carry-out the internship. Out of those who stated that they had difficulties in finding internships, majority responded that the main difficulty encountered was the unpaid work, i.e. performing voluntary internship.

7. *How long did it take you to secure a place for internship?*

The vast majority of respondents secured the internship post in a relatively short time, ranging from a few days to three months Only one respondent waited up to a year for his internship and the application of another one was rejected by dover 10 attorneys as s/he asked for a modest payment in return of the commitment internship period.

8. *Where did you look for information about the opportunities offered by internships?*

Respondents, approached information about internship opportunities in various ways. A large number of them, 41 percent of respondents, stated that they received information about the internship directly by contacting the Kosovo Bar Association and others through direct contact with legal interns, through family and friends, but also through public vacancies announced by lawyers.

9. *Do you think that the Kosovo Bar Association and Universities plays an important role in helping you in finding a job placement?*

Most of the respondents, respectively 63 percent of them, think that the Kosovo Bar Association plays an important role in the internship process, through the Chamber and in contact with the Chamber, interns had easier access to lawyers, while about 37 percent of respondents thought that the Bar Association and Faculties should have a role that should to be reflected in the faculty for finding career opportunities for their graduates through the Career Center, but also a more active role of the Kosovo Bar Association.

10. *id you receive any payment for your internship? If so, does any this payment play any roles in the process of selecting the legal firm for your internship?*

Only 11 percent of respondents stated that they were paid by their lawyers during the course of the internship, while 89 percent of the respondents stated that they were not paid during the internship period but had completed a voluntary internship.

Regarding its importance, respondents pointed out that compensation is desirable and very necessary at least for covering the costs, but in most cases it is not a determining factor when choosing a law firm for internship.

11. The importance of financial compensation when choosing a legal office from interns?

When respondents were asked about the importance of compensation for the choice of the lawyer's office for completing internships according to the scoring system from 0 (not important) to 4 (it is very important), it is evident that financial compensation still bears little importance. Thus, 67 percent of respondents thought that financial compensation was of minor importance in the selection, while on average it was declared 20 percent, whereas only 13 percent of respondents stated that financial compensation in the choice of attorney for practical is considered highly important.

12. Duties and Responsibilities Expected of interns?

Surveyed interns have stated that they have assisted or worked directly to all tasks of all firm/office; preparation of legal documents (lawsuits, contracts, claims, and requests) preparation for hearings, participation and representation in the courts primarily in civil cases, preparation of legal analysis etc.

13. Obstacles, difficulties or problems that have faced during internship?

60 percent of the surveyed interns, stated that they did not encounter any obstacles and difficulties, while 40 percent of respondents stated that they encountered material difficulties mainly due to non-payment of the internship; some of them stated that they encountered obstacles from the judicial administration requesting special authorizations.

14. Do the interns have a supervisor / mentor?

Only 10.5 percent of the respondents stated that they did not have a mentor, while the overwhelming majority or 86.8 percent of them had a mentor during the internship period.

15. Do they think that they provide adequate mentoring / supervision?

Most of the respondents or 86.8 percent of them stated that they had proper supervision, while only about 10.5 percent considered that they did not have proper supervision.

16. How does your supervisor / mentor supervise your work?

Over 90 percent of interns surveyed stated that they have ongoing mentor supervision, mentoring supervision is always carried out by providing direct counselling, checking and correcting the work done by interns. A very small number of respondents mention the lack of advocates' interest in overseeing and checking the work of interns during the internship.

17. Have you taken any steps to address that issue?

Of the respondents or 84 percent did not take any action to address the issues of inadequate supervisors, while 15 percent did not answer this question and only one respondent stated that it took action to address this issue.

18. During your internship period, regarding your duties and responsibilities, have you been able to work independently, or have you been able to represent the client in court and at what stage or occasion?

Most or 57 percent of surveyed interns stated that they did not have the opportunity to represent the court and work independently while 43 percent of respondents stated that they had the opportunity to represent clients in court mainly in civil cases eventually in any criminal case where given a sentence to 3 years imprisonment.

19. Short Summary or Impression of Practitioners and Their Experience After Completion of the Internship / Practice at the Bar Counselling

The majority of over 85 percent of interns have a very positive impression and think that they have gained enough experience to continue further their careers. Some of the respondents state that it is the internship in a lawyer's office that professionally develops and that you can then deal with all kinds of cases, which is not the case in the courts and the prosecution. A very small percentage of respondents had bad experience and estimated that they had not benefited from the internship.

20. Would you stay with the same lawyer / firm after the bar exam?

The majority respondents, or 47.4 percent of them, say they would not like to stay in the same legal office even after passing the bar exam, while 44.7 percent of respondents stated that they would like to stay in the same office.

A most common reason, they emphasize the opportunity to continue as a professional associate/, continuation of professional development or even to have an independently career development.

21. Do you think the experience gained on to practice the law is was sufficient or do you think that any other training courses, e.g. e-courses, or direct training by lawyers in specific legal areas during the internship is needed?

30 percent of respondents state that they do not need additional training since the experience gained during the internship was sufficient and most of the respondents or 70 percent of them considered that although they had received sufficient knowledge during the internship additional training is needed and desirable.

22. Please state which training modules would the interns be interested in ?

Most respondents who stated that they need additional training have expressed an interest in training such as: legal work management (31.6 percent), 21 percent preparing rebuttals, arguments and handling of court sessions, 2.6 percent on clients and advocates relationships,

filing claims 5.2 percent, professional integrity and ethical requirements 10.5 percent while around 5 percent think that all the offered trainings are necessary.

23. Do you think that the compensation you received during the internship is enough to motivate you to complete the practical work?

About 57 percent of the surveyed interns stated that they did not receive any payment and that was demotivating; others stated that they had received symbolic payments from their mentors, while a smaller number stated that they did not have their motivation through payment of the internship.

24. Other additional views of the respondents on concluding the questionnaire?

Some respondents expressed their assessment of the internship and the Kosovo Bar Association, some others proposed more trainings to be organized for interns while among the respondents there was also idea to complete the Law on Advocate setting mandatory payment rates for interns.

4. FOCUS GROUP MEETING

The Kosovo Bar Association, on September 4th, 2018 held a focus group with 17 participants composed of legal practitioners, interns, professors of law faculties. After the group is briefed about the project, its basic issues and objectives and questionnaires' findings, participants are invited to give their experience in practicing internships and internship opportunities, advocates and intern impressions, advantages and disadvantages on the work of interns and the application of mentoring during the internship period.

The participants of this meeting gave the following suggestions:

- The need for institutional intervention for professional internship to be paid.
- Regulating the legal aspect for the re-qualification of Legal Clinics in Public Universities and Private Colleges
- Establishment of Legal Facilities for the inclusion of Internships into the professional practice of Law Faculties' syllabus
- Bar Engagement in Finding Lawyers for the placement of Internship Candidates
- Prepare a report on practicing attorneys and interns after completion of the internship
- Correctly define the training curriculum and deliver training for the one year internship for Interns through the Training Center of the KCA.