

**Lawyer Hodžić Edin**  
Tuzla, Bosnia and Herzegovina  
Tel. 00387 61 649 180  
e-mail: [hodzicedin7@gmail.com](mailto:hodzicedin7@gmail.com)

**Lawyer Mirza Dževdetbegović**  
Tuzla, Bosnia and Herzegovina  
Tel. 00387 62 359 333  
e-mail: [mirza.dzevdetbegovic@gmail.com](mailto:mirza.dzevdetbegovic@gmail.com)

## **ABA ROLI BRRLN**

**Working Group Continuous Legal Education  
Internship project  
-Report from B&H-**

**Tuzla, 16 August 2018**

## **ACTIVITY NUMBER 1**

### **Report on the information obtained on the basis of the Focus Group meeting and the survey involving lawyers and law interns in FB&H**

**Reporting period: May – August 2018**

#### **1. Introduction**

Law internship in Bosnia and Herzegovina is complex issue in view of the fact that numerous problems have been identified in practice, often being difficult to resolve and overcome. This issue is also multilayered and it needs to be addressed from different perspectives, depending on the context in which it is being analyzed.

Thus, there is a lawyers' and an interns' context, where, as a matter of principle, different positions with a similar objective are involved. Then, there is the issue of acquiring the status of intern, i.e. commencing this activity, and there also certain problems in situations where this status has already been acquired.

Special attention needs to be directed to the issue of acquiring the status of a law intern. It is indisputable that working in a law office is an extraordinary training and preparation for interns for the challenges they face in their careers, in respect of which this kind of training is very attractive, however, limited. In Bosnia and Herzegovina it is a special challenge for every young intern to get a chance to work as a law intern regardless of the eventual quality that remains to be tested and confirmed. On the other hand, lawyers and lawyers associations have certain expectations and requirements when selecting interns, regarding their readiness to perform the specific duties, as a result of which such a selection may lead to certain difficulties.

Therefore, the first step in improving the conditions and possibilities for internship, viewed from both the positions of jurists and lawyers, is establishing a certain framework or system where young jurists would get the opportunity of presenting as well acquiring certain practical and theoretical knowledge and getting an insight into the method of work of the law profession, with the lawyers at the same time being able to acquaint themselves with these young interns and find the adequate individuals for internship in their offices.

Such a system in Bosnia and Herzegovina is non-existent, and young interns and lawyers are most often left to themselves in finding a work position, or an intern, respectively. In this specific case, the question is who should be involved in the formation of a system whose primary goal would be functionality and sustainability. Logically, schools of law, as the venue of the first encounter with the fundamentals of law, should be included in the system. However, it is more realistic to expect this initiative to be launched and implemented in the beginning by the Bar Chamber of the Federation of Bosnia and Herzegovina in

collaboration with Regional Bar Chambers, the reason being that the subject at issue is, of course, of great importance for the law profession which has been regulated by a special law, and that bar chambers have special capacities that could be used for developing and maintaining this system, indeed, with the support of other authorities and institutions. In view of the above, we are pointing to the fact that amendments to the Law on Legal Profession are in the process of drafting in the Federation of Bosnia and Herzegovina and that establishing a Lawyers Academy has been envisaged within the framework of the amendments.

Furthermore, we must not neglect the fact that the persons who have already been recruited as law interns have been encountering certain difficulties in their work, which can be overcome or at least identified and reduced by an adequate analysis and especially by additional education.

## **2. Questionnaires for lawyers and law interns**

In order to identify the relevant data and get an insight into the real situation, Questionnaires were drafted (for lawyers and law interns separately) and forwarded to lawyers and law interns by e-mail. Analysis of the replies to the questionnaires by lawyers and law interns has yielded certain conclusions presented down below:

### **2.1. Questionnaires for Lawyers**

On 6 June 2018, questionnaires were forwarded to lawyers with questions regarding the subject-matter discussed here. Unfortunately, despite the repeated appeals by the FB&H Bar Chamber and the regional bar chambers, only 26 lawyers completed the questionnaires. The reason for this should be sought in the fact that this was the period of summer holidays, however also in the small interest on the part of lawyers in completing surveys and questionnaires.

#### **1. Gender**

According to the gender structure, 65 % of the surveyed lawyers were men, and 35% women.

#### **2. Age**

According to the age structure, 46 % of the respondents were aged between 30 and 39, and 31 % were between 40 and 53 years of age, and 23% above 53.

#### **3. Status (form of the organization performing the activity)**

In view of the organizational form, 96 % of the respondents perform their activities in independent law offices, and only 4% in law firms.

#### **4. Area of law for which an intern is sought for recruitment**

The majority of the respondents stated that they recruited interns for work in the area of civil law, with interns seldom being recruited for work in the criminal area.

## **5. Manner of recruiting interns**

The majority of the respondents, i.e. 60% recruited their law interns on the basis of letters of reference, 28% in other ways (personal connections, family ties, and the like), 8% with the assistance of their colleagues, while only 4% of the respondents recruited their interns via public advertisements.

## **6. Difficulties in finding and recruiting interns**

The majority of the respondents i.e. 88% of them, had no difficulties finding and recruiting interns, while only 12% of them specified having had difficulties finding and recruiting interns.

## **7. Explanation of the difficulties in finding interns**

The difficulties identified by the respondents were a large number of lawyers, descent/origin, interns being interested only in the amount of their monthly salary, lack of interest in the job they should perform, lack of interest on the part of the High Judicial and Prosecutorial Council of B&H.

## **8. Intern selection process**

Lawyers recruit interns almost regularly by organizing oral interviews focusing on general questions as well as questions regarding the profession, assessing also other qualities and skills of the intern (conduct, rhetoric, resourcefulness...).

## **9. How long does it take to find an intern**

The lawyers-respondents specified in their replies that interns could be recruited rather quickly, most often within two months. Only a few respondents answered that they had to look for interns for one to two years.

## **10. Do they look for interns to cover the entire scope of activities of the law office or only a certain area**

Almost all the lawyers-respondents replied that they recruited interns for the whole range of activities performed by their law offices or firms.

## **11. What kind of support does the bar chamber provide for the process of performing law internship**

Almost all the lawyers replied that the bar chamber provided no support for the process of law internship.

## **12. Who should have the major role in the process of seeking for, and recruitment of, interns - the Bar Chamber or the schools of law.**

The majority of the respondents, i.e. 75% of them replied that the Bar Chamber or the schools of law should have a significant role in this process. Some of the respondents stated that bar chambers should have a register of the interns interested in internship.

Also, they stressed the need for a more proactive approach by the schools of law in presenting the successful students, as well as the need for the lawyers to be more involved in the education of students during their studies at the school of law.

Only one quarter (25%) of the respondents stated that the Bar Chamber or the schools of law should have no role in the search for interns and their recruitment.

### **13. Is the amount of remuneration for interns' work the basic condition for their acceptance or non-acceptance of recruitments**

The lawyers surveyed were equally divided in their views in respect of whether the amount of the remuneration for interns' work is the basic precondition for their acceptance or non-acceptance of recruitment. Namely, 50% of the respondents considered that remuneration was the main precondition for an intern's recruitment, with their being more motivated if adequately paid for their work, including the opinion that continuous salary rises for interims are an excellent incentive and a confirmation to them of their being appreciated by the principal.

A half of the respondents (50%) is of the opinion that the amount of the remuneration is not decisive, the decisive factor being their wish to complete their internships and acquire more knowledge and experience.

### **14. Is the candidates' previous experience in performing internship assignments significant when selecting an intern**

Approximately 42% of the respondents consider that a candidate's previous experience is appreciated in recruiting the individual as an intern, but they do not point to this as being a crucial consideration. As opposed to them, the majority of the respondents (58%) consider that this is of major importance.

### **15. Duties and responsibilities of interns in the process of work at a law office or law firm**

The lawyers replied that their interns performed all the tasks within the framework of the functioning of a law office, analyzing case law, performing administrative tasks, improving their skills and acquiring new knowledge, drafting all kinds of submissions, attending trials, and depending on the degree of their qualifications pleading for their clients at court and before other competent authorities and institutions.

### **16. Obstacles encountered by the lawyers as mentors and employers**

Some of the difficulties listed were irresponsibility in relation to work, inadequate knowledge, lack of practical experience, inadequate motivation, improper attitude of competent institutions towards interns, lack of discipline and the like. Some of the respondents (35%) replied they had no difficulties in the implementation of internship activities.

### **17. Do they train their interns directly and how much time do they allocate for such training per week**

All the lawyers-respondents train their interns directly and on a daily basis, and the majority of them allocate at least one hour a day for working with interns. The lawyers also consider that direct education, stimulation, transfer of knowledge as well as supervision of the work of interns who are motivated for learning and working (even though they think there are interns who do not want to work) is of great importance for both the intern and the functioning of the whole law office or firm.

**18. Do interns also perform additional office jobs during their internship, apart from the duties and responsibilities within the scope of their regular work (e.g. printing of materials, supply of stationery, and the like)**

The majority of the lawyers surveyed (87% of them) stated that interns also performed additional tasks (photo copying, going to the bank, as well as to the court, the post office, forwarding faxes) while 13% of them stated that interns at their offices did not do such jobs.

**19. The level of their satisfaction with the knowledge, efficiency and the like displayed by the law interns**

The majority of the lawyers surveyed (65%) were satisfied with the performance of their interns, while 35% of them was not. That was generally an individual estimate, on a case by case basis.

**20. Do they think the experience the interns gain working in their offices is sufficient, or perhaps the latter also need another type of training, such as e-courses, or perhaps live training provided by lawyers specializing in specific areas of legal practice.**

Slightly less than a half of the lawyers-respondents (41%) answered that internship performed at their offices was sufficient for further independent work, while 59% of them consider that additional education is necessary. The lawyers who answered that additional education was necessary, 35.3% of them, consider that it should address the topic of presenting arguments for motions and appearance before the court, 23.5% specified the area of legal practice management, 17.6% pointed to client-lawyer relations, 11.8% opted for something completely different, while the rest of them specified preparation of petitions and defense, professional identity, and ethical obligations.

**21. What was the impression left by interns after the completion of internship**

The lawyers-respondents at whose offices interns completed their internships expressed mainly positive and good impressions. They stated that their law interns who had completed their internships and who had passed the bar examination, became good practitioners, and displayed a correct attitude after the completion of their internships.

**22. Would they keep an intern in their law office or firm after the end of the internship process**

The majority of the lawyers-respondents, 86% of them, replied that they would keep (or that they have already kept) their interns after the internship, while 14% replied that they would not. They stated the need for quality and educated staff, being ready to recruit them as associates, and later on also as lawyers.

**23. Do they think that interns have acquired enough knowledge during internship and did they take part in that process**

Only one respondent replied not believing that the interns learned enough during internship, while all the others consider that interns learn a lot and mainly gain sufficient knowledge, although everything always depends on the individual and the person's readiness and potentials.

**24. Do they think that the fee received during internship is sufficient to motivate the interns to stay until the end of their internship**

The majority of the lawyers surveyed, 82% of them, answered that the remuneration was adequate, while 18% of them thought it was not. Also, the lawyers-respondents stated that remuneration is not and should not be the motivating factor, and that motivation should be in the knowledge being passed on to them by their principals.

**25. Do interns stay to work at the law office or firm after their internships**

Slightly more than one half of the lawyers-respondents (55%) replied that their interns stayed in their offices following the completion of their internships, and that 45% of them quit.

**2.2. Questionnaires for Law Interns**

On 6 June 2018, a Questionnaire was forwarded to the email addresses of lawyers, with the assistance of the FB&H Bar Chamber, containing a list of questions for law interns regarding the subject matter discussed here. Unfortunately, despite the repeated appeals by the FB&H Bar Chamber and the regional bar chambers, only 16 law interns returned completed questionnaires. One of the reasons for this was certainly the period of summer holidays, but generally also the small interest in completing the questionnaires. The reasons for the comparatively small number of completed questionnaires by law interns should also be sought in the, most likely, small degree of interest on the part of lawyers in having their interns' opinions heard (because the questionnaires were forwarded via the bar chamber to the law office addresses where interns were performing internship).

**1. Gender**

With regard to gender, 56.3 % of the interns surveyed were men, and 43.7% were women.

**2. Age**

In terms of the age structure, the majority of the respondents (87.5%) were between 20 and 30 years of age, while 12.5 % of the respondents were between 31 and 40 years of age. None of the respondents were older than 40.

### **3. Level of education at the beginning of internship**

The majority of the respondents, i.e. 87.5 % of them stated they had completed their graduate law studies, while 12.5% had completed their post-graduate studies.

### **4. Duration of internship**

The majority of the respondents, approx. 66 % of them took 2 years to complete their internships, while the rest of them took 2 years.

### **5. Did the interns have any difficulties providing for their intern or trainee positions**

The majority of the respondents, i.e. 68.8 % of them stated having had no difficulties providing for their internship, while slightly less than a third (31.21%) did have difficulties.

### **6. Obstacles and difficulties providing for internship**

Respondents who had difficulties providing for their internships specified the main reason as being the difficulty of finding a lawyer where they could do their internships, as well as the absence of demand for interns in the market.

### **7. Explanation of difficulties in finding an intern**

The difficulties identified by the respondents are the large number of jurists, their descent/origin, interns being interested only in the amount of their monthly remunerations (wages), lack of interest in the job that has to be done, lack of interest on the part of the High Judicial and Prosecutorial Council of B&H.

### **8. How long did it take for the respondents to provide for their internships?**

The majority of the respondents took a comparatively short time to provide for their internships. About one third or 31% of the respondents provided for their internships immediately after graduating from the University, while one half or 46% of them managed to do so in the period of up to one year, while only 23% of them took a year or longer to get internship.

### **9. Where did the respondents look for information about the opportunities for internship?**

The respondents listed different ways in which they obtained information about the opportunities for internship. A large number of them applied to all the law office addresses or a large number of them, with a large number of them getting the



information they needed via family connections and friends. In two cases, interns also listed the Federal Employment Office.

**10. Do respondents consider that the bar chamber and the schools of law are involved in the internship process?**

Practically all the respondents are of the opinion that neither the bar chamber nor the schools of law have any role in the internship process, while 15% of the interns were of the opinion that the above should have a role, which should be reflected in proactive lobbying of the schools of law for their graduates' internships, as well as in the more active role of the bar chamber.

**11. Did they pay any fees for their internships and what was their opinion about the importance of remuneration in selecting the relevant law office for internship**

None of the respondents had paid any fees for their internships, however, some respondents pointed to the regular practice of interns having to pay to the lawyers for all the expenses the latter incur during their internships.

**12. Importance of remuneration in selecting a law office for internship**

On the basis of the respondents' assessments of the importance of remuneration in selecting a law office for internship on a scale from 0 (not important) to 4 (very important), it is evident that remuneration, nevertheless, has certain importance. Thus, 7% of the respondents were of the opinion that remuneration was of small importance, with one third of the respondents (33%) thinking that remuneration was moderately important, while almost one half 47% of them found remuneration to be important, while 7% of the respondents stated that it was very important.

**13. The tasks and duties the employers expected the interns to perform**

The interns surveyed stated that they performed practically all the tasks the lawyers also performed, but the majority of them performed less complex and more simple tasks (preparation of hearings, filing, receipt and delivery of mail) as well as accompanying their principals to hearings, and less often pleading for their clients at hearings.

**14. Obstacles, difficulties or problems the respondents encountered or used to encounter during their internships**

The interns-respondents listed different obstacles reflected mainly (in one third of the cases) in the inadequate readiness for practical work after the school of law, with a certain number of the respondents listing the short time their principles allocated for them, while a small number of them complained about the excessive expectations and the work load during internship which was not adequately paid for.

**15. Do the respondents have a supervisor / mentor?**

Only one quarter of the respondents replied they had no mentor, while the majority of them, i.e. 75% had mentors.

**16. Do the respondents consider that they have been provided with adequate mentorship / supervision?**

The majority, i.e. 81.3 % of the respondents were of the opinion that they had adequate supervision, while 18.7 % answered negatively. The respondents who answered affirmatively listed the following as positive experiences: adequate explanation of the cases and tasks, permanent consultations, being referred to regulations and case law, as well as the possibility of examining professional literature. Those who replied negatively mainly pointed to the lack of time and the lack of communications with the mentor as the major objections in this regard.

**17. In what manner does the supervisor / mentor monitor the work of the respondent?**

The majority of the respondents, more than 70% of them, has continuous supervision by their mentors in such a way that the mentor reviews everything or most of the things the interns do, or the interns have the possibility of constant access to the mentor for the latter's opinion and advice. A small number of the respondents pointed to the inadequate or total absence of supervision of the things they do.

They addressed the problems stemming from such difficulties mainly by referring to other lawyers and judges for advice, and by reading the case law, as well as the available literature.

**18. Were the respondents able to work independently during their internships, did they get the opportunity to represent their clients at court and in which stages / cases ?**

The majority of the respondents, 87% of them, answered they had the opportunity of pleading for their clients at court mainly in less complex and standard types of cases, in civil and extra-litigious proceedings. Only 13% of the respondents stated they had no opportunities for representing their clients at court.

**19. A brief summary or impressions of the interns as well as their experiences after completing their internships at the law office**

The majority of the respondents, i.e. 80% of them, have very positive impressions believing that they have acquired enough experience for continuing their careers. Some of the respondents point to the fact that exactly performing internship in the law profession is the most complete form of apprenticeship. 75% of interns are satisfied with the recruitment of interns, while 35% of them are not. That is mainly an individual assessment on a case by case basis. A very small percentage of the respondents had bad experiences believing that the bar chamber must play a more significant role in protecting interns.

**20. Would the interns be willing to stay with the same lawyer or in the same law office after taking the bar examination**

A large majority of them, 81.2% stated they would like to stay in the same law office after taking the bar examination, while 18.8% stated they would not like to stay.

The most frequent reason they specify for this is the opportunity for continuing to work as professional associates and proceeding with their career development.

**21. Do the interns consider that the experience they gained during internship was sufficient or that other type of training was also required, such as e-courses, or perhaps live training provided by lawyers specializing in specific areas of legal practice.**

Although a large number of the interns consider that they have acquired enough knowledge, the majority of them believe that additional training is required and desirable (training provided by lawyers specializing in special areas of legal practice, or having a larger number of seminars organized by the bar chamber, moot courts or e-conferences for law interns... ).

The majority of the respondents who answered affirmatively about the need for additional training were interested in legal practice management (46.2%), 15.4% of the respondents opting for each of the following: argumentation for motions and appearance before the court, client – lawyer relations, while 15% of them were also of the opinion that all the offered trainings were needed.

**22. Do interns consider the remuneration they received during their internships to have been adequate for motivating them to complete their internships**

About 80% of the respondents stated that it was not adequate or sufficient to motivate them, while a small number of them were of the opinion that it was inadequate for motivating them to complete their internships.

**23. Certain additional considerations of the respondents in conclusion of the questionnaire**

In order to provide for the progress of law interns themselves as well as for facilitating the work of the lawyers, it would be good to if the schools of law in the 4<sup>th</sup> year of studies established connections with regional bar chambers.

The survey should not remain a dead letter, and the whole project should effectively serve for the purpose of strengthening the position and experiences of law interns for the benefit of the whole legal profession and ultimately also the judicial system.

**3. Focus Group Meeting 11 June 2018**

On 11 June 2018, a meeting was held of the 15-member Focus Group composed of lawyers and law interns, at the premises of the Regional Bar Chamber. After

introducing the Group to the project, the basic issues and objectives, they were invited to present their own experiences in acquiring eligibility and opportunities for performing their internships, as well as in performing that job, the manner of recruitment of interns, the advantages and shortcomings recorded in the work of interns, and in the implementation of mentorship in each specific case. The participants' replies and proposals at this meeting point to the following conclusions:

- Interns get recruited most often on the basis of letters of reference, connections or family ties, and more seldom via public calls or competitions;
- It is difficult to find a lawyer wishing to offer internship;
- There are significant differences in the quality of performance of internship depending on the law office at which the internship is performed;
- There is a very poor link between the schools of law and the bar chamber in terms of their mutual communications and cooperation;
- It is not indispensable (despite the fact that it would be useful) to change the relevant laws in order to improve the system of internship, because this can be achieved even in the present conditions, however, with the individual engagement on the part of the stakeholders;
- In order to provide for better quality and purposeful internship it is necessary to consider the possibility of 'exchanging' interns among different law offices practicing different areas of the law;
- In order to ensure a better value for internship, additional education should be organized at the level of bar chambers, including examinations and relevant certificates for the internship performed;
- A Career Day should be implemented at least once a year, in collaboration with the bar chamber and the schools of law;
- A pilot project should be initiated and established, based on which more experienced lawyers practicing different areas of the law should organize periodical lectures for interns at bar chambers;
- In collaboration with courts, law interns should gain access to hearings in complex civil and criminal cases;
- Establishing and keeping a register of young jurists wishing to become law interns including lawyers wishing to recruit law interns.

As already stated, it is evident that there are numerous problems in the area discussed, meaning that it is possible, as well as necessary to implement a range of different activities in order to resolve them.

We are of the opinion that the conclusions based on the questionnaires and the Focus Group meeting have identified one part of the issues, providing guidelines that may be taken into consideration in the process of establishing a system for acquiring the status of law intern and performing one's internship, that will be as efficient as possible.