

LAW STUDENT PRACTICUM GUIDE



NATIONAL CENTER FOR STATE COURTS –
OFFICE IN BOSNIA AND HERZEGOVINA

LAW STUDENT PRACTICUM GUIDE

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BOSNI I HERCEGOVINI (BIH SLP PROJEKAT)**

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INFORMATION ON THE GUIDE DEVELOPMENT AND ACKNOWLEDGEMENTS

Under the “Student Law Practicum (SLP)” project supported by the U.S. State Department’s Bureau of International Narcotics and Law Enforcement Affairs (INL), the National Center for State Courts - Office in Bosnia and Herzegovina (NCSC) established and supported the activities of an expert panel on the improvement of practical classes and trainings for law students and law graduates in 2020.

Over the course of one year, the expert panel held periodic meetings to examine existing practices in the practicum implementation in Bosnia and Herzegovina (BiH), analyzing the identifying international standards and best practices in the approach to the practical learning of lawyers. The expert panel took the following steps: 1) defined the needs, possibilities, and priorities (from the perspective of different institutional actors) related to the functioning of law student practicums and the development of practical skills of law graduate interns in justice institutions and law practice; 2) identified best practices that can serve as general practice standards; and 3) proposed solutions that may lead to the improvement of existing practicums for law students and post-graduate students. Activities of the expert panel primarily resulted in the development of the *Framework agreement of understanding for the improvement of practical classes and trainings for law students and law graduates*, which has been accepted by academic institutions (law faculties), justice institutions, and public institutions (courts, prosecutor’s offices, entity-level judicial and prosecutorial training centers), and professional law associations (judges’ associations, prosecutors’ associations, bar associations) in BiH. In addition, efforts of the expert panel brought about another significant result – the development of this innovative resource: *Law Student Practicum Guide*. The purpose of this resource is to provide useful information and tools to mentor practitioners for use when supervising practical activities within practicum with law students and internships with law graduates.

Fifteen (15) law theoreticians and practitioners with extensive experience in practicum implementation and work with law students and post-graduate students participated in the expert panel. The panel was supported by professors, teachers from law faculties, judges, prosecutors, and lawyers as representatives of professional associations, and representatives of (public) judicial and prosecutorial training centers in the Federation of Bosnia and Herzegovina (FBiH) and the Republika Srpska (RS). Providing technical support during the development process of this resource by the expert panel, the NCSC prepared working materials for consideration based on results of the panel discussions, which were then critically analyzed, revised, and eventually validated by panelists through the contents of this Guide.

We would like to acknowledge the expert panel for the development of the *Law Student Practicum Guide*:

1. Prof. Dr Hajrija Sijerčić-Čolić, Faculty of Law, University of Sarajevo;
2. Prof. Dr Enes Bikić, Faculty of Law, University of Zenica;
3. Prof. Dr Ivanka Marković, Faculty of Law, University of Banja Luka;
4. Prof. Dr Dževad Mahmutović, Faculty of Law, University of Tuzla;
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6. Senior assistant Đorđe Marilović, Faculty of Law, University of East Sarajevo;
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11. Svetozar Bajić, Association of Judges of the Republika Srpska;
12. Šeila Heljić, Association of Prosecutors of the FBiH;
13. Jovana Tomaš, Association of Prosecutors of the Republika Srpska;
14. Vanja Pavlović, Bar Association of the Republika Srpska;
15. Mirna Avdibegović, Bar Association of the FBiH /Regional Association Tuzla.

We would like to thank the SLP project’s partnering law faculties, led by their deans, for their support of the implementation of this activity, and for their overall support in the implementation of the SLP project activities. Also, we extend our gratitude to the Bar Association of the Republika Srpska and the Bar Association of the Federation of BiH, associations of judges and prosecutors in the FBiH and RS, and the Association of Women Judges in BiH for their support to the establishment of the expert panel, and their cooperation. Finally, we would like to thank the INL as the project donor, which supported the working process and attended the panel meetings.

INTRODUCTION

Practical training of law students has been an integral and, recently, mandatory part of the teaching process at the law faculties in Bosnia and Herzegovina. Practical development takes place both inside and outside the premises of law faculties. Practicums that can be completed by students in governmental and other institutions and organizations in BiH, especially courts or prosecutor's offices, are certainly the most important form of practical development outside of the premises of law faculties. Upon graduation, law graduates can do internships until they get to take the professional (bar) exam. Internships that are done in a court, prosecutor's office, or law firm or office are a continuation of practical development of a post-graduate student or intern for later independent work in the legal profession.

Therefore, student practicums and internships are forms of experiential or practical learning enabling law students and post-graduate students to expand their substantive legal knowledge through practice-based learning experiences, gaining practical skills, and learning about professional values of the legal profession. Therefore, practice-based learning and development of lawyers is an upgrade of theoretical law classes and improves the legal education mission in multiple ways. Practical classes and training primarily include students/post-graduate students in active rather than passive learning, where the obtained practical knowledge is supplemented by understanding of the legal theory. Active inclusion of students/post-graduate students in solving actual problems is an additional motive for their learning, which eventually facilitates the transfer of practical knowledge (between mentor and student/post-graduate student) within the experiential learning.

According to the main adult learning postulates (methodology), adults learn most efficiently through their own experience or practice, or when they are included in the mechanism of active contemplation of such experience. Student practicums and/or internships implemented at the court, prosecutor's office, or a law firm constitute the experiential learning frameworks that provide students/post-graduate students with new knowledge and enables them to learn by taking practical action in a specific professional context, and with a mentor's support. In this way, students/post-graduate students are given the opportunity

to develop the main skill of law professionals – problem solving. Through practical learning and development, adults are in a better position to retain new information and knowledge, thereby creating preconditions for later successful applications of such knowledge.

Nevertheless, according to available data and results of surveys carried out by the NCSC among students, professors, and law practitioners (judges, prosecutors and lawyers), focusing on their views and experiences with participation in practicums, 52% of surveyed students, 63% of professors and as much as 90% of surveyed practitioners believe that law faculties should provide their students with more opportunities to acquire practical legal knowledge and skills. Additionally, all three categories of respondents (66% of students, 83% of professors, and 93% of practitioners) recognize practicums as the most valuable practical activity for the development of practical skills during university studies. However, practicums are largely absent in the education of future law graduates, as 80% of surveyed students did not have access to a practicum, while only 15% of surveyed practitioners participated in practical work with students. Experiences of students and practitioners who participated in practicum completion in justice institutions or law firms indicate that current programs lack a structure that would be better connected to the development of practical knowledge and skills of students (e.g., 60% of students who completed their practicum say that they did not gain valuable legal skills and knowledge). These results point to the conclusion that there is need for improvement of student practicums that are completed in justice institutions. Furthermore, with regard to legal training of post-graduate students upon graduation from the law faculty, 50% of practitioners and as much as 77% professors expressed their dissatisfaction with the law practicum implementation.

It is important to note that throughout the entire process of practical learning and development of lawyers that takes place within the student and/or post-graduate student practicum, the participation of judges, prosecutors, and lawyers as mentors is the invaluable link which enables transfer of practical knowledge and skills to future generations of practitioners in the justice sector. This Guide is primarily intended for judges, prosecutors, and lawyers who mentor students and/or post-graduate students, in order to serve as a useful source of information and practical materials that can facilitate and contribute to the quality of implementation of practical development programs. Also, the Guide is intended for teachers at law faculties who are engaged in the implementation of curricular or extracurricular practical learning programs for law students, and especially practicum completion. Finally, although it particularly focuses on professional development of lawyers in the justice system and law firms, this resource can be of interest to the general legal community, especially mentors to lawyers in governmental institutions and those dealing with procedural legal issues, as it provides useful advice and applicable methodological approaches to practical development.

The Law Student Practicum Guide contains a significant overview of best international practices related to practicum completion and experiential learning of law students and post-graduate students in general. The Guide is organized as follows: Chapter 1 deals with the legal profession's mission, particularly emphasizing the importance of educating future generations of judges, prosecutors, and lawyers, and the preparation of law students and post-graduate students for professional careers. Through a framework theoretical-analytical approach, it briefly explains the principles and responsibilities of the legal profession, with an emphasis on the justice system and law practice and these institutions' commitment to the practical education of law professionals. It further presents the objectives, activities, and needs that the main institutional actors involved in the practical learning and training process should consider, for the purpose of a successful implementation of programs of practical development of law professionals.

In light of the shortcomings of current formalistic approaches to mentoring in justice institutions and law firms, Chapter 2 provides an answer to the question of how a quality mentoring relationship in the judiciary or law practice should be structured. This part of the Guide includes a theoretical overview and practical instructions for mentors on how to approach mentoring and the organization of activities during practicum completion. The theoretical part consists of information that should help a mentor understand the mentoring role, including its importance and phases, and to learn about different mentoring approaches. The practical instructions should contribute to the attainment of optimal results in the mentorship of students/post-graduate students. The practical instructions are grouped in two key thematic units: unit one focuses on ethics and professionalism, and unit two focuses on practical training. Ethics and professionalism are approached in a unique way, identifying shared principles and rules by establishing a link between the judicial, prosecutorial, and lawyer professions and the legislative framework that regulates these issues. As regards practical training, the Guide contains advice for designing and distributing assignments, and for the establishment of effective communication between a mentor and a student/post-graduate student through constructive and timely feedback about completed assignments.

Chapter 3 provides an overview of practical activities, i.e. a list of assignments that the student/post-graduate student can perform under the mentor's supervision when completing a practicum at the court, prosecutor's office, or a law firm. Lists of tasks were developed following the examples of positive practices of courts in Bosnia and Herzegovina in their work with interns (e.g., Municipal Court in Tuzla). This chapter is divided into seven thematic areas in which many activities identified as relevant and useful for successful practical development of a student/post-graduate student can be undertaken. These are:

- ▶ Professional accountability and ethical standards;
- ▶ Organization of work in the appropriate activity/profession;
- ▶ Participation in certain procedural actions;

- ▶ Exploring factual and legal issues;
- ▶ Legal writing;
- ▶ File/case management;
- ▶ Following the process.

Chapter 4 contains practical tools that can be used for more detailed structuring of mentorship and evaluation of the completed practicum. Three separate forms are included:

- 1) *Statement of agreement of mentor and student for the student practicum completion*: by which the mentor and the student assume certain responsibilities (related to separately listed areas and themes) within the practicum completion, additionally refining and directly formalizing their relationship;
- 2) *Evaluation of law student/intern form*: this form is used by the mentor to evaluate overall performance of the student/post-graduate student according to identified key areas of practical development, upon practicum completion;
- 3) *Evaluation of mentor/supervisor form*: the student or post-graduate student uses this form to express their own experience and evaluate their mentor's approach and the organization of activities during the practicum or internship.

I SHARED MISSION OF THE LEGAL PROFESSION: PREPARING LAW STUDENTS/POST-GRADUATE STUDENTS FOR A PROFESSIONAL CAREER IN THE JUSTICE SECTOR/LAW PRACTICE

1.1. Legal Profession Mission

The mission and function of the legal profession is guided by overarching principles and responsibilities associated with the legal profession. Classification of the legal profession for the purposes of this Guide implies the justice system and law practice, i.e., courts, prosecutor's offices, and law firms.

Guiding Principles

- ▶ Ensure and maintain public trust in the legal profession
- ▶ Establish high standards of professional conduct for legal professionals
- ▶ Ensure legal professionals are competent in the law and uphold the law impartially
- ▶ Promote policies that facilitate access to justice and promote the rule of law
- ▶ Promote holistic cooperation across the justice sector

Responsibilities

- ▶ To create standards of learning, professional competence, and professional conduct for lawyers
- ▶ To prescribe restrictions on who may provide legal services proportionate to the objectives sought
- ▶ To educate and train legal professionals, including law students aspiring to join the legal profession
- ▶ To support the delivery of legal services in local communities
- ▶ To recognize legal professionals for service to the profession or society

1.2. Legal Profession Commitment to Legal Education – An Institutionally Shared Mission

The diagram below is a visual representation of the roles of institutions within the legal community, to prepare the law student for the legal profession (cross-institutional commitment). The law student classification includes post-graduate law students entering the mandatory practicum stage after law school as a condition of qualifying to take a bar examination. The diagram represents a shared mission of institutions within the legal community that have a role and capacity to shape the normative and practical learning experiences of law students and law graduates. The cross-institutional, shared mission concept underscores the important role of these institutions in advancing the mission of the legal profession by educating law students so that they acquire the requisite legal knowledge/skills and acquire a solid foundation in professional ethics to uphold the principles and responsibilities of the legal profession (see 1.1.).



1.3. Legal Profession Commitment to Legal Education – Institutional Goals, Activities, and Needs

In order to achieve effective commitment of the legal profession to legal education and implementation of programs of practical education of lawyers in general, it is useful to define the goals, activities, and needs of each institution involved in this process. The table below presents the framework goals, providing examples of activities that lead to the fulfillment of these goals, and defines the needs that are prerequisite to undertaking activities for the main actors within the legal profession (i.e., law faculties, legal professional associations, justice institutions, and lawyers), all related to the implementation of practicums for law students and internships for post-graduate students. The goals, activities, and needs provided below constitute a practice guidance or orientation for the aforementioned institutional actors.

	LAW FACULTY	LEGAL PROFESSIONAL ASSOCIATIONS	JUSTICE INSTITUTIONS (COURTS, PROS. OFFICES, OTHER)	LAW FIRMS
GOALS	<ul style="list-style-type: none"> • Support legal professional mission • Provide formal legal education to law students (theory & praxis) • Utilize innovative teaching methods (practice-based learning & technology) • Adopt policies that advance practice-based learning (for credit courses, internships, facilitating post-law school student practicum work placements) 	<ul style="list-style-type: none"> • Support legal professional mission • Support and mobilize legal profession members to uphold mission and be active in local communities through volunteerism • Adopt policies that support legal education for legal professionals, including law students 	<ul style="list-style-type: none"> • Support legal professional mission • Serve the public in the administration of justice, including preparing and training law students and young lawyers to perform competently in administration of justice duties (generational transition and sharing of institutional knowledge) 	<ul style="list-style-type: none"> • Support legal professional mission • To serve the interests of clients, including preparing and training law students and young lawyers to perform competently the duties of a lawyer (generational transition and sharing of institutional knowledge)

	LAW FACULTY	LEGAL PROFESSIONAL ASSOCIATIONS	JUSTICE INSTITUTIONS (COURTS, PROS. OFFICES, OTHER)	LAW FIRMS
ACTIVITIES	<ul style="list-style-type: none"> Partner with the legal practitioner community Integrate legal practitioner experiential teaching into law student learning experience (legal practitioner guest lecturing, internships, apprenticeship, mentoring) 	<ul style="list-style-type: none"> Conduct outreach to and encourage members to support legal education (lecture at law schools, host internships, mentor) Establish recognition events for members that participate in legal education or who further profession's goals to mentor law students & post-grad practicum apprentices 	<ul style="list-style-type: none"> Host law student interns/apprentices Implement mentor-ship best practices (guidelines, forms, tools) to ensure efficient and qualitative practical learning experience for mentor and mentee law students, apprentices Encourage guest lecturing at law faculties 	<ul style="list-style-type: none"> Host law student in-terns/apprentices Implement mentor-ship best practices (guidelines, forms, tools) to ensure efficient and qualitative practical learning experience for mentor and mentee law students, apprentices Encourage guest lecturing at law faculties
NEEDS	<ul style="list-style-type: none"> Dedicated law professor(s) to lead practical based learning Facilitator to promote outreach to legal practitioner community i.e. student placement 	<ul style="list-style-type: none"> Facilitator to conduct outreach to membership to support practical law learning Minimal resources to support recognition awards events 	<ul style="list-style-type: none"> Physical special equipment to host in-terns Designated staff to serve as mentors in workplace for practical based learning for students 	<ul style="list-style-type: none"> Physical special equipment to host in-terns Designated staff to serve as mentors in workplace for practical based learning for students

II MENTORING OF LAW STUDENTS/ POST-GRADUATE STUDENTS: MENTORING, PHASES, AND AREAS

2.1. Role and main phases of mentoring

Mentors are faced with the question of how to make student practicums and/or internships a quality experience that will lay possible foundations for future legal careers. Although many institutions have their own practice, there are no strict rules governing the mentor-student/post-graduate student relationship. Nevertheless, certain behavior patterns and principles have been identified, on which this relationship should be based in order to achieve the best results, i.e., a satisfied mentor and a trained and motivated student/post-graduate student ready to continue their legal career with confidence.

Structuring a quality experience involves first and foremost understanding the role of mentorship, as well as the stages it will go through.

Mentoring roles and tasks are as follows:¹

- ▶ Provision of basic support through:
 - psychological support – encouragement, problem solving support, active listening, and continuous monitoring of the student/post-graduate student;
 - functioning of the mentor as a positive role model – the mentor serves as an example of behavior, principles to be followed, and attitudes to be taken;

1 National Academies of Sciences, Engineering, and Medicine. The Science of Effective Mentorship in STEMM. Washington, DC: The National Academies Press (2019), p. 35. Available at: https://www.ncbi.nlm.nih.gov/books/NBK552772/pdf/Bookshelf_NBK552772.pdf, accessed on: 16.2.2021

- ▶ Development of professional identity:
 - skills development – learning, creating new challenges, continuously providing feedback, and evaluating performance all play a key role in the development of practical legal skills;
 - professional coaching – through continuous monitoring of work and results, identifying the preferences, skills, and strengths of the student/post-graduate student, the mentor guides the student/post-graduate student when making a decision on a future legal career (applicable in the case of long-term mentoring);
 - support in further career – the mentor should make sure that the good success of the student/post-graduate student is recognized and noticed, help them gain useful professional acquaintances and provide support in the job-seeking process, depending on the possibilities.

Accordingly, the main mentorship task is to create the conditions in which the law student/post-graduate student will be best introduced to the legal profession. Introducing a person with little or no work experience to the legal profession means developing key practical legal skills, completing theoretical knowledge, and raising awareness of the social responsibility of the legal profession and the importance of professional and ethical conduct in every situation. Creating conditions for maximum progress of a student/post-graduate student means, above all, working and learning in a positive, stimulating, and supportive environment. The mentor's responsibility is extensive and does not end with providing the possibility to fulfill a legally prescribed condition for practicing the legal profession. The mentoring relationship should be treated as the key stage in the formation of future lawyers. The student imitates their teacher, such that through well-structured mentoring and a positive personal example, the mentor achieves long-term results, which will have implications for the lawyer's career and future decision-making process.

Your relationship with the student/post-graduate student may go through the following stages:²

- ▶ the initiation stage – establishment of initial contact and building a relationship based on confidence and mutual respect;
- ▶ the cultivation stage – stage of work empowerment that involves defining the working philosophy, skills development, supporting the process of change, supporting professional and personal development, development of mutual relationships based on confidence;

2 Introduction to Mentoring, A Guide for Mentors and Mentees. American Psychological association (2006), p. 5–7. Available at: <https://www.apa.org/education/grad/intro-mentoring.pdf>, accessed on: 16.2.2021

- ▶ the separation stage – the final stage of the mentoring relationship in which the student/post graduate student's performance is evaluated;
- ▶ depending on the student/post-graduate student's future work and professional advancement, the third stage may be followed by the relationship redefinition stage. This is when the relationship changes from a mentoring to a collegial relationship.

2.2. Recommendations for the achievement of the best mentoring results

Each of these stages is equally important and substantively different in terms of the activities you and your student/post-graduate student will undertake. In order to structure a quality experience and achieve the best possible results with the student, we have prepared a series of recommendations resulting from research on existing best mentoring practices.

2.2.1. Initial mentoring stage

I) Before the student/post-graduate student arrives, it is recommended that you prepare yourself for their arrival. You can do this by:

- ▶ Developing a framework plan of work with the student/post-graduate student, and assignments you will give to them;
- ▶ Informing yourself about the arriving student/post-graduate student (e.g., personal details, professional interests);
- ▶ Providing them a place in the office and important information about the office space, technical devices and documents, and about any security measures;
- ▶ Preparing the contents of the information meeting (orientation) with the student/post-graduate student.³

II) Upon the student/post-graduate student's arrival for professional development:

- ▶ Hold the information meeting (orientation) with the student/post-graduate student. Introduce the institution/organization/office where you work. Introduce them to the code of conduct and business culture; rules concerning attendance, accuracy, security, and professional dress; preferred professional communication; and colleagues. In doing so, pursue the goal of making the first days of your mentorship as pleasant as possible for the student/post-graduate student as a young person with little or no professional experience. Take this opportunity to get the first impression of your student/post-graduate student, and plan to work with them accordingly;⁴
- ▶ Establish foundations for your professional relationship with the student/

³ Lois J. Zachary, *The Mentor's Guide: Facilitating Effective Learning Relationships* (2011), p. 87–88 Available at: <https://www.brockport.edu/life/leadership/Documents/Mentor%20Resources/Stages%20of%20the%20Mentor%20Relationship.pdf>, accessed: 17.2.2021

⁴ Cooper M., Wheeler M.M. *Building Successful Mentoring Relationships Workbook* (2007), p. 35. Available at: <https://fly.yale.edu/sites/default/files/files/Cooper%20and%20Wheeler%202007%20Mentoring%20Relationship.pdf>, accessed on: 17.2.2021

post-graduate student. Set clear expectations and limits from the very beginning. Encourage open and professional communication by gradually getting to know the student/post-graduate student. Identify what benefits they expect from working with you, whether they possess any special skills, and what new skills they hope to learn.⁵

2.2.2. The cultivation stage - work and empowerment stage

This is the most demanding and lengthy stage of your mentoring relationship. Once you have introduced the student/post-graduate student to their work responsibilities and the framework work plan, and laid clear foundations of your relationship in the work and empowerment stage, the practical experience/practicum should come to life and bring concrete results. Your relationship should be built on the basis of everything you have prepared and presented in the initial phase.

Empowerment and work as part of mentoring law students/post-graduate students should be aimed at developing awareness of the importance of complying with professional ethics, including the adoption of codes of conduct, as well as practical training, development, and deepening of theoretical knowledge. It is possible to identify two important areas that your mentoring should focus on, into which you can group all planned work assignments and activities. The first area is ethics and professionalism, and the second is practical training. In organizing the work with the student/post-graduate student towards achieving these results, it is best to have as much flexibility as possible. You can always adapt your plans and activities to the current situation and evaluation of the student/post-graduate student's progress. Do not miss the opportunity to get to know the student/post-graduate student through the entire practicum/internship, because in this way you develop and improve your relationship, and thus the results of work and learning.⁶

To achieve the best results in the work with the student/post-graduate student in both areas, it is advisable to follow some of the recommendations provided below.

2.2.2.1. Ethics and professionalism as an important part of training

Many law theoreticians believe that **ethics and professionalism** should be the most important subject in the curricula of law faculties.⁷ As ethics and professional conduct are considered basic elements of the legal profession in the justice sector and law practice, students should be taught and trained in these issues. In order to serve the public and maintain the integrity of the profession, all (future) judges, prosecutors, and lawyers must apply a

5 Baylor University's Community Mentoring for Adolescent Development (CMAD) Mentor Trainer's Manual (2013), p. 57–59. Available at: https://www.gvsu.edu/cms4/asset/F498AEF2-B735-1F53-0FF1910D220EA0A5/baylor_university_guidelines.pdf, accessed on: 18.2.2021

6 Lois J. Zachary, *The Mentor's Guide: Facilitating Effective Learning Relationships* (2011), p. 89

7 Pearce, Russell G., *Teaching Ethics Seriously: Legal Ethics as the Most Important Subject in Law School* (1998). *Loyola University Chicago Law Journal*, 29/719, p. 735. Available at: <https://ssrn.com/abstract=1611266>, accessed on 12.2.2021

high level of ethics and professionalism at all times. Identifying ethical issues and problems and, accordingly, making informed and reasoned decisions on ethical issues is a skill that is learned and should be given due attention in the practical training of law students, and especially post-graduate students doing internships in justice institutions and law firms.⁸

Since at most law faculties in Bosnia and Herzegovina, students are not required to learn about this important topic, mentors have a great responsibility to include this topic in their mentoring plan.⁹

In order to cover as wide a range of relevant topics as possible in this regard, mentors can follow the framework recommendations provided below.

Recommendations for the part of the training focusing on ethics and professionalism

- ▶ Introduce the student/post-graduate student to the relevant legislative framework concerning ethics and professionalism and recommend literature on this topic. This primarily refers to the codes of ethics for judges, prosecutors, and lawyers. In doing so, keep in mind that a mere introduction to the legislative framework without educating students on the important values and principles underlying the legal order will not achieve the optimal results – development of competencies for independent ethical reasoning. Raise their awareness of the importance of the legal profession and the basic values protected by it.

In the legal system of Bosnia and Herzegovina, basic ethical principles and professional rules of practice for judges, prosecutors, and lawyers are covered by the Code of Judicial Ethics, Code of Prosecutorial Ethics, and Code of Attorney's Ethics.¹⁰ These codes recognize and emphasize the importance of the legal profession. The significance of the legal profession, i.e., of the social role played by judges, prosecutors, and lawyers, is that without their ethically and professionally correct conduct, the rule of law cannot be achieved through institutional and procedural guarantees of the protection of human rights and freedoms.

Institutional and procedural protection of inalienable human rights and freedoms guaranteed by the highest legal act – the Constitution – is achieved through the legal profession. To provide this protection, codes of judicial, attorney, and prosecutorial ethics set the following standards:

⁸ Gregory L. Ogden, The Problem Method in Legal Education (1984), Journal of Legal Education, 34/4, p. 654–673 Available at: <http://www.jstor.org/stable/42897979>, accessed on: 12.2.2021

⁹ It is important to note that law faculties that have ethics as a compulsory or elective subject in their curriculum primarily apply a doctrinal or theoretical approach in teaching ethics, while the practical application of ethical principles and the implications of ethical obligations in the legal profession are neglected.

¹⁰ Code of judicial ethics (Official Gazette of BiH, 13/06, 24/15 and 94/18); Code of prosecutorial ethics (Official Gazette of BiH, 13/06 and 32/15); FBiH Code of attorney's ethics; RS Code of attorney's ethics.

- i. Decision-making in cases where judges, prosecutors, and lawyers are faced with ethical and professional dilemmas;
- ii. Preserving the independence of the judiciary, i.e., the independence of the professional activity;
- iii. Preserving the impartiality of judicial office holders, i.e., acting in the best interest of the represented party in accordance with the law;
- iv. Preserving the integrity of the legal profession through the moral and dignified conduct of judges, prosecutors, and lawyers;
- v. High levels of competency and responsibility towards the job.

A closer look at the above codes of ethics and other acts governing the justice system reveals a number of standards and rules that can be considered as general standards of ethical and professional conduct in the justice sector. First of all, judges, prosecutors, and lawyers are required to be competent and responsible. The shared requirements for competency and responsibility are:¹¹

- ▶ Requirement to perform judicial and prosecutorial duties within an efficient and reasonable time, i.e., through efficient action while avoiding unnecessary costs;
- ▶ Requirement for continuous improvement of professional knowledge and skills, following relevant case law and literature, and participation in conferences and other activities aimed at affirming the legal profession;
- ▶ Requirement for professional, conscientious, and fair treatment;
- ▶ Requirement to attend trainings on judicial ethics and integrity, i.e., professional education with the aim of developing a sense of ethical values and protection of human rights and freedoms.

Furthermore, it can be seen that preserving independence, impartiality, and integrity is a crucial shared commitment. Independence, impartiality, and integrity are concepts that are widely interpreted, and it is therefore appropriate to link them to specific standards and rules of conduct related to the prevention of conflicts of interest that permeate the legislative framework of ethical and professional conduct of judges, prosecutors, and lawyers, as presented in the table below.

11 Parts of the *Manual for the application of the codes of judicial and prosecutorial ethics*, High Judicial and Prosecutorial Council of BiH and USAID's Justice Activity in BiH (2019), have been used as a resource for better understanding and identifying the shared ethical principles. Available at: https://www.pravosudje.ba/vstv/faces/pdfservlet?p_id_doc=51816. Also, parts of the FBiH Code of attorney's ethics and the RS Code of attorney's ethics were used.

PREVENTION OF CONFLICT OF INTEREST	
JUDGE/PROSECUTOR	LAWYER
INDEPENDENCE, IMPARTIALITY AND INTEGRITY	
APPLICATION of procedural law provisions governing disqualification of a judge/prosecutor/lawyer	
PROHIBITION OF ABUSE	
PROHIBITION of abuse of the prestige of the office for the purpose of pursuing private interests	PROHIBITION of abuse in treatment of clients
PROHIBITION of receiving a gift or benefit intended to influence decisions in proceedings	DUTY to protect client's interests using lawful means
PROTECTION OF HUMAN RIGHTS AND FREEDOMS / ANTI-DISCRIMINATION	
PROHIBITION of treatment with bias and prejudice	PROHIBITION of refusing to provide legal aid except in cases provided by the Law on Practice of Law
GENERAL PROHIBITION AGAINST INCOMPATIBLE FUNCTIONS/JOBS	
PROHIBITION of performing duties that may have a negative impact on reputation, independence, impartiality	
PROHIBITION of membership in the governing bodies of public and private legal entities	
POLITICAL INDEPENDENCE	
PROHIBITION of membership in political parties, or performing any duties in political party organs, or associations or foundations connected to political parties	REQUIREMENT that the lawyer be politically independent and autonomous in relation to governmental bodies
EX PARTE COMMUNICATION	
PROHIBITION of any form of (ex parte) communication between the parties to the proceedings	
PROFESSIONALISM IN RELATIONS	
PROHIBITION of personal relationships with clients or parties to the proceedings and to create the impression that such relations exist during the proceedings in the case	
CONFIDENTIALITY OF INFORMATION	
PROHIBITION of disclosure of confidential information	
PROHIBITION of public and private commenting on closed and ongoing cases	DUTY to keep attorney's secret

- ▶ Work on hypothetical and real cases to approach ethics and professionalism as a judgment process. In theory, there is no ideal method for teaching students/post-graduate students ethical and professional behavior, but the majority agrees that working on hypothetical or real cases is the best tool for this. From the theoretical point of view, it is possible to distinguish three approaches in teaching ethics and professionalism, each of which has its own features. They are provided below.

I) “Know the Rules of Professional Accountability” Approach:

- ✗ minimalist approach;
- ✗ seeks to present “ethics” solely as knowledge of the rules of professional accountability that can be learned and applied in a similar way;
- ✗ limits the issue of ethics and professionalism to one subject.

Criticism: pays little or no attention to ethical issues in other situations or cases and does not prepare the student/post-graduate student to make decisions in real cases.

II) “Ethical Dilemma” Approach:

- ✗ ethics and professionalism require more than just knowing the applicable rules;
- ✗ the emphasis is on skills acquisition: 1) identifying and 2) resolving ethical dilemmas;
- ✗ mainly involves the application of professional accountability rules;
- ✗ knows the limitations of formalized professional accountability rules; implies clinical education of students, i.e., work with a mentor during the practicum/internship, giving the student/post-graduate student (intern) the opportunity to face ethical dilemmas that are likely to arise in practice.

Criticism: narrow approach to ethics and professionalism as a special legal skill that can be mastered like any other legal skill (e.g. legal writing, research).

III) “Ethical Judgment” Approach:

- ✗ the broadest approach to ethics and professionalism;
- ✗ emphasizes the importance of lawyers’ discretion in assessing the ethical judgment of a particular situation;
- ✗ ethical decision-making is an indispensable part of legal practice. An ethical question can be asked every time a decision is made, and failure to recognize this is an omission;
- ✗ learning objective is to develop competencies in the process of ethical judgment, and not to learn what is “good” and what is “bad”;

- ✘ a code of conduct for judges, prosecutors, and lawyers and other rules and standards of professional conduct are important, but they are not exclusive or perfect guides to ethical judgment;
- ✘ a sense of morality and the issue of ethics should not be imposed, but each individual should develop their own sense of these issues;
- ✘ conversation and learning about ethical judgment should be connected with specific legal areas, i.e., specific cases.

Examples of a specific case you can use to teach ethics and professionalism are the following:

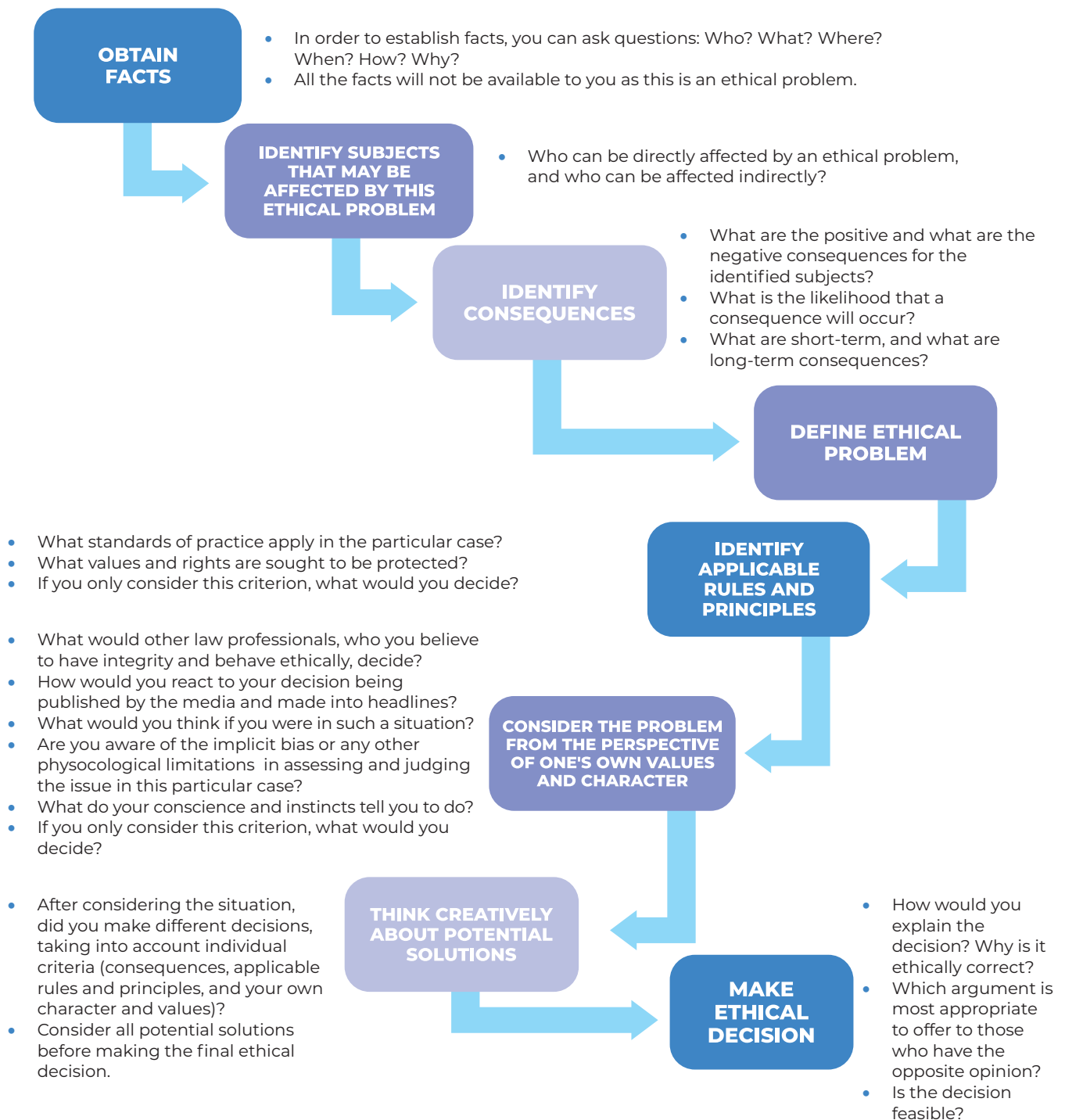
EXAMPLE 1: A judge of the district court in Banja Luka, S.M., was assigned a case against L.D. for the criminal offense of robbery. L.D. was represented by A.B., a renowned lawyer from Bijeljina. Immediately before the start of the main trial, the prosecutor's office initiated the procedure for disqualification of judge S.M. because they had found out about connections between judge S.M. and lawyer L.D. Namely, over several years, the judge and the lawyer participated in a conference and training for judges and lawyers, where they once even shared a hotel room due to a reservation error. During these conferences, the judge and the lawyer often had breakfast together, and these get-togethers resulted in the publication of a joint scientific paper entitled "Ethics in the Courtroom".

EXAMPLE 2: The judge and lawyer from the previous example never shared a hotel room, but they published a joint scientific paper after three years of participating in the same conference and training for judges and lawyers. Does this change the nature of their relationship and relevance for the disqualification procedure?

EXAMPLE 3: The judge and lawyer in the previous example did not write a joint paper, nor did they share a hotel room, but they regularly participated in a conference for judges and lawyers together, and during group meals of all participants sat either next to each other or in close proximity, discussing various professional topics with colleagues. Does this change the nature of their relationship and relevance for the disqualification procedure against the judge?

- ▶ In the case analysis, use the Guide to ethical decision making.
The Guide is a practical tool that problematizes the ethical decision-making process. By going through each of these steps with the student/post-graduate student, you will successfully achieve the objective of learning about ethics and professionalism – the development of competencies in the ethical judgment process. You will gain the skill of independent ethical reasoning and a raised awareness of the importance of constant review of legal decisions from the perspective of ethics and professionalism by following the guidelines of this model when analyzing

specific cases, and by adopting the “Ethical Judgment” Approach previously presented. In doing so, you will move away from the traditional understanding of ethics and professionalism as a set of rules and standards, while adopting and upgrading an understanding that equates ethics and professionalism with legal skills that can be easily practiced.



2.2.2.2. Practical training

The **practical training** consists of various activities and assignments that the student/post-graduate student will perform under the mentor's supervision. In order to successfully teach and achieve the end results of the mentorship, it is very important that, as a mentor you distribute assignments efficiently¹², and that you provide timely feedback in the form of comments and criticisms.

- ▶ Effective distribution of assignments means assigning clear tasks and defining what you expect from the student/post-graduate student. To provide clarity, every assignment should contain information about:
 - The job description;
 - the preferred assignment completion form;
 - required facts;
 - the purpose and implications of the assignment;
 - A realistic timeframe for the assignment's completion;
 - available reference materials;
 - whom the student should consult regarding questions along the way and how that person should be contacted.¹³

In order to efficiently distribute assignments to the student/post-graduate student in the field of legal writing, legal analysis, and legal research; you can use the **guide** presented in the table below.¹⁴ By clarifying these issues, you will make sure that the student/post-graduate student receives all the relevant information about the assignment, which will ultimately lead to better results.

12 Manual for Extern Supervisors – Best Practices, Capital Area Consortium on Externships – CACE, American University Washington College of Law, The Catholic University of America Columbus School of Law, Georgetown University Law Center, The George Washington University Law School, Howard University School of Law, p. 1–3.

13 Ibid, p. 7.

14 Ibid, p. 4.

I. WRITING GUIDE

STRUCTURE AND STYLE

- Who is the student/post-graduate student writing for?
- Will anyone other than you see it? Will you use this assignment for a specific purpose?
- Did you explain how this part fits into the general case?
- Is there a specific format you want the student to use? Do you have samples or templates?
- How formal should this document be?
- Do you want copies of cases or other research material?

II. RESEARCH GUIDE

STRUCTURE

- Is there a specific research strategy you want the student to use?
- Is there a starting point that you would recommend?
- Are there special sources or materials that the student may not be familiar with?
- Is there a specific question you want the student to focus on?
- Do you want an objective conclusion, or do you want the student to advocate for a particular position?
- Is there relevant legislative history that the student should know about or should research?
- What kind of legislation and on what level is the subject of research (e.g., state law, entity law, regulation, etc.)?

BACKGROUND INFORMATION

- Is there information about this case/client/ topic in the office (e.g. case files or previous research)?

DEADLINES

- When should the assignment be completed (e.g. tentative draft deadline, final deadline)?
- Is this assignment a priority over other assignments?
- How much time should the student/post-graduate student spend on the project (taking into account the level of experience)?

COMMUNICATION

- How often should a student/post-graduate student report work progress?
- How do you prefer the student/post-graduate student to communicate with you (directly, email, phone, etc.)?

- ▶ Providing feedback, as the supervising mentor, in the form of comments and constructive criticisms, is important to the student/post-graduate student. By commenting on the work of the student/post-graduate student, you have the most direct influence on their thinking and actions. The student/post-graduate student's successful professional and personal development will depend primarily on the relationship you build with him or her.¹⁵ Therefore, it is important to remember that, although a mentoring relationship is primarily a professional relationship, it also contains a determinant that is based on emotional and psychological support and the provision of a personal role model.¹⁶

In order for your review of the student/post-graduate student's work to have a positive and effective impact on their future deliberation and work, it is recommended that you:

- ▶ provide feedback in the early stages of the process: students/post graduate students should receive a mentor's comment soon after each completed assignment. Otherwise, they may continue repeating the same mistakes;
- ▶ provide useful feedback, i.e., constructive criticism that will be meaningful and useful: avoid generalizations such as: "well done" or "you will be better in the practical part". Specific information supported by concrete examples will contribute the most to the professional growth of students/post-graduate students;
- ▶ organize time to devote to the student/post-graduate student's work: anticipate formal meetings, but leave room for informal comments;
- ▶ explain your comment: take the student/post-graduate student through an analysis of his assignment in order to understand what exactly has changed and why. Verify understanding by asking questions or making comments;
- ▶ create a participatory environment: encourage his or her active participation in the analysis of the work results. Encourage them to self-assess their own work, and to recognize and talk about what they found challenging in order to develop critical thinking;
- ▶ look back at different professional and legal skills: your mentoring should ensure the development of different skills that will be useful to the student/post-graduate student in a future legal career. One assignment will often require several different skills. Be prepared to look back at each of them. The following example, which contains questions that you need to look at separately, can help with that:
 - ✕ *Professionalism and ethical conduct:* do they manage to identify a potential ethical problem? Do you understand the importance of professional and ethical conduct? Are they a reliable person?

15 Lindon Tomas, Nick Johnson. Clinical Legal Education Handbook (2020), London: University of London Press, p. 128–130.

16 Building Quality Feedback into Mentoring Relationships, Mentorloop (2021). Available at: <https://mentorloop.com/blog/quality-feedback/>, downloaded from: 19.2.2021

- ✘ *Research ability:* are they familiar with the methods used? Did they conduct the research carefully and accurately? Did they reach any useful results?
- ✘ *Legal analysis:* are they able to identify relevant legal issues and norms?
- ✘ *Creativity:* are they able to develop alternative arguments and apply different methods of interpreting legislation? Does he show curiosity?
- ✘ *Writing skills:* are their drafts well organized? Do they write clearly and convincingly? Are the form and style tailored to the purpose? Do they cite sources accurately?
- ✘ *Oral communication:* do they communicate effectively with you, colleagues and clients? Do they contribute to consultations with colleagues and clients with their own proposals?
- ✘ *File and practice management:* do they document and organize records properly? Do they respect the set deadlines and use a reminder system? ¹⁷

2.2.3. Final stage - separation and evaluation stage

As part of the previous phase, the student/post-graduate student had the opportunity, with the mentor's support, to improve their understanding of the importance of professional ethics and deepen theoretical knowledge through practical training and development. As part of the final stage, at the end of the practicum/internship, the mentor should complete an evaluation of the student/post-graduate student's work and submit it to the appropriate authority, like the designated teacher at the Faculty of Law. In line with examples of international best practice, the student/post-graduate student should also be given the opportunity to provide self-assessment of the practicum/internship completion and mentorship. Chapter 4 of this Guide contains forms that can be used for this purpose, as follows: 1) Evaluation of law student/intern form and 2) Evaluation of supervisor form.

¹⁷ Kaplan Robert, Bellin A. Catherine, Ainslie Katherine, Conti Judith, Jacob Fred "Externship Field Supervisor Handbook" (Washington, William and Marry Law School), p. 8.

III LIST OF ASSIGNMENTS DURING PRACTICUM COMPLETION

Note: the contents of the chapter was conceived on the basis of the “Sample copy of the Report on the Experiential Training Competencies” of the Law Society of Ontario.¹⁸

The goal of student practicum and internship is, among other things, to provide practical training and develop initial skills that can relate to professionalism and ethics, communication (oral and written), analytical work, legal or factual research, legal writing and decision making, case management, informing the parties, and more. When completing a student practicum or internship in a court, prosecutor’s office, or a law firm; mentors are able to go through different thematic areas with the student/post-graduate student and touch upon individual legal issues within each area. Accordingly, work with a student/post-graduate student can be structured as a series of individual assignments. Through performing assignments as part of a practicum/internship in court, prosecutor’s office, or a law firm; a law student/post-graduate student acquires practical skills, i.e. experiential training competencies.

It is important to note that a student practicum differs significantly from internships in terms of duration (student practicum usually lasts one month, while internships last one to two years) and assignments. Namely, in accordance with the rules of justice institutions in which student practicums are completed, students will not be formally able to participate in some procedural actions (e.g. drafting minutes of hearings, drafting judgments, etc.). However, these assignments can allow the mentor to prepare an exercise for the student, or create a weekly assignment for the student to work on with the mentor’s support. The student/post-graduate student will certainly acquire useful knowledge and skills that will be of use to them during their studies and in future work during the internship. In that regard, this chapter is divided into two parts. One refers to the (proposed) work plan with the student during practicum completion, and the other part provides a review of individual thematic areas and activities that can be covered within the areas/units as special assignments performed by post-graduate students, given that their internship lasts much longer.

¹⁸ Law Society of Ontario, Licensing and Accreditation, Sample copy of the Report on the Experiential Training Competencies. Available at: <https://lawsocietyontario.azureedge.net/media/lso/media/becoming-licensed/ar18sampleexperientialtrainingcompetencies.pdf>, accessed on 24. 3. 2021

3.1. Framework plan and proposal for activities for student practicum completion

Given that student practicums in courts/prosecutor's offices/law firms may last from several weeks to one or two months, and in accordance with the decisions made by law faculties,¹⁹ a proposed framework plan for a student practicum that would last one month is provided below. Considering that, in addition to a student practicum, students in most cases have regular lectures to attend; it should be taken into account that students in most cases will not be able to do practicums that would involve full-time work. In this regard, the practicum should be adapted to the student's abilities, taking into account the needs of the institution/office where it is taking place. In order to gain as much practical experience as possible, acknowledging the formal legal limitations of students completing practicums in individual courts and prosecutor's offices, the activities proposed in the plan are optional, presented in the form of an exercise, homework, or small projects that the student can do. It is up to the mentor to choose the type and method of activity that will be assigned to the student. The mentor's role in this regard is to monitor the work, give suggestions, as well as correct and discuss with the student the approaches used to carry out a particular activity successfully. In addition, post-graduate students doing internships with the same mentor or in the same justice institution can be of great help with these activities, and can be consulted or involved in the activities as additional support to the student completing the practicum, as needed.

The framework plan for student practicum completion is presented below in the form of a table, which provides examples of activities within five separate thematic areas that a student can perform under the mentor's supervision. It is important to note that the listed activities constitute a practice guideline only, and that they do not form a closed list of activities that may be the subject of a student's practicum.

¹⁹ For example, the Faculty of Law of Sarajevo University has determined that a student practicum will last for a minimum of fifteen (15) hours. Decisions on internship/practicum for undergraduate students of university studies – I. cycle of studies, Faculty of Law, Sarajevo University, 2019

Framework plan for student practicum completion

Week	Thematic areas	Proposal for activities		
		Court	Prosecutor's Office	Law practice
1.	Professional accountability and ethical standards	See activity proposal under 3.2.1.		
	Organization of work in the appropriate activity/institution	See activity proposal under 3.2.2., and a short introduction to the file management system.		
2.	Participation in procedural actions and per-forming other assignments and duties as provided by law	<ol style="list-style-type: none"> 1. Attending and following hearings; 2. Keeping hearing minutes in the form of an exercise; 3. Analyzing the indictment/complaint and evidence in the process of decision-making (e.g., jurisdiction, causal link between evidence, etc.). 	<ol style="list-style-type: none"> 1. Attending and following hearings; 2. Attending hearings of witnesses; 3. Documenting meetings (e.g., notes from meetings, minutes) in the form of an exercise; 4. Reading the prosecutor's case file and reviewing the evidence. 	<ol style="list-style-type: none"> 1. Attending and following hearings; 2. Observing interviews with clients. 3. Documenting meetings (e.g., notes from meetings, minutes) in the form of an exercise; 4. Reading the case files and reviewing the evidence.
3.	Exploring factual and legal issues	<ol style="list-style-type: none"> 1. Review/analyze and/or summarize the relevant material evidence (minutes, reports, contracts, certificates, court expert findings and other documents, as well as seized items) and other documentation from the file; 2. Conducting various research on substantive and procedural issues; 3. Identifying and interpreting applicable legal provisions and international legal standards, and considering the possibility of their application to a specific 	<ol style="list-style-type: none"> 1. Review/analyze and/or summarize the relevant material evidence (minutes, reports, contracts, certificates, court expert findings and other documents, as well as seized items) and other documentation from the file; 2. Conducting various research on substantive and procedural issues; 3. Identifying and interpreting applicable legal provisions and international legal standards, and considering the possibility of their application to a specific 	<ol style="list-style-type: none"> 1. Review relevant case law; 2. Review/analyze and/or summarize the relevant material evidence from the file; 3. Identifying and interpreting applicable legal provisions and international legal standards, and considering the possibility of their application to a specific case; 4. Submitting reports on research results, orally and/or in writing.

Week	Thematic areas	Proposal for activities		
		Court	Prosecutor's Office	Law practice
3.	Exploring factual and legal issues	4. Submitting reports on research results, orally and/or in writing; 5. Analyzing relevant case law.	4. Submitting reports on research results, orally and/or in writing; 5. Analyzing relevant case law.	
4	Writing legal documents - in the form of an exercise based on real or fictitious file	1. Drafting decisions, judgments and orders pursuant to the law; 2. Drafting plea agreements, penal orders; 3. Drafting letters and replies in the process of managing and acting on the file.	1. Drafting orders; 2. Drafting decisions; 3. Drafting rulings; 4. Drafting proposals; 5. Drafting opening and closing remarks.	1. Assistance in providing oral and written legal advice and opinions; 2. Drafting complaints, motions and other initial sub-missions, requests, petitions, remedies, applications. 3. Drawing up contracts, general and individual acts and other documents; 4. Developing submissions for modification and withdrawal of a claim; 5. Drafting letters.

3.2. Proposal for activities for internship completion

A post-graduate student/intern is a person who completed a law faculty and signs an employment or volunteering contract in that occupation for the first time, and who is legally required to pass the professional exam, or needs to obtain working experience to be able to work in that occupation. Internships lasts from one year to a maximum of two years, unless otherwise provided by law, after which the intern (volunteer) takes a professional exam.

Examples of activities within seven (7) separate thematic areas that an intern can perform in collaboration with the mentor are provided below. It is important to note that the listed activities constitute a practice guideline, and that they do not form the final list of assignments that can be entrusted to an intern within individual thematic units. The choice of activities may depend on the existing work practices at the court/prosecutor's office/law firm where the internship is performed, as well as the needs and requirements of a specific job.

3.2.1. Professional accountability and ethical standards

1. Discussion on relevant codes of ethics, obligations, and responsibilities.
2. Discussion on the duty to preserve the confidentiality of information and the appropriate measures that should be taken to protect the confidentiality of private information and prevent its disclosure.
3. Discussion on potential conflict of interest issues and respecting or implementing the conflict of interest management process.
4. Discussion on the appropriate steps to be taken when an action is taken/ omitted, which would constitute a violation of professional obligations.

3.2.2. Organization of work in the appropriate activity/profession

Practice of law

1. Introduction to relevant legislation in the field of organization and functioning of the practice of law.

Prosecutor's Office

1. Getting acquainted with the rules of the internal organization and work of the prosecutor's office.
2. Introduction to holders of prosecutorial offices and staff of the prosecutor's office.

Court

1. Introduction to the rules of internal court operations, organization and work of the court, with a special emphasis on the work of the court administration (registry office and intake office).
2. Introduction to holders of judicial offices and court staff.

3.2.3. Participation in procedural actions and performing other assignments and duties

Practice of law

1. Attending and following hearings.
2. Providing all kinds of assistance to a lawyer at hearings (e.g. preparing certain presentations, presenting material evidence, etc.).
3. Participating in or observing interviews with clients, parties, witnesses and/or court experts.
4. Assisting a lawyer in the provision of legal advice.
5. Assisting in preparing clients or witnesses for a trial or other types of interviews (e.g. deposition).
6. Documenting meetings (e.g. taking meeting notes , minutes).
7. Providing detailed analysis (with due diligence) to ensure the acquisition and review of all relevant information needed for work on the case.
8. Composing opinions and formulating a strategy with a lawyer to fit the client's needs and circumstances.
10. Considering possibilities and proposing alternative dispute resolutions (e.g. mediation, arbitration, conciliation).
11. Reading the court and/or prosecutorial files and reviewing evidence and obtained exhibits for clients' purposes.
12. Performing the necessary written correspondence and oral communication with clients, the court, the prosecutor's office, and other authorities.

Prosecutor's Office

1. Attending and following hearings.
2. Providing all kinds of assistance to the prosecutor at hearings (e.g. preparing certain presentations, presenting material evidence, etc.).
3. Assisting during the interrogation of suspects or hearing of witnesses.
4. Documenting meetings (e.g. meeting notes, minutes).

5. Providing any other kind of assistance to the prosecutor in conducting investigative or other actions in the case (e.g. drafting various submissions related to evidentiary action, communication with authorized officials during the investigation, etc.).
6. Attending initial trainings organized by the Judicial and Prosecutorial Training Center (JPTC) FBiH or the JPTC RS and other individual or group trainings and seminars with the aim of improving knowledge and its application in everyday case work.

Court

1. Attending and following hearings.
2. Keeping minutes of the main trial/hearing and coordinating with other support services for trial purposes (e.g. Witness Support Section).
3. Assisting in the registration and storing of evidence submitted at the main trial/hearing.
4. Keeping records and ensuring compliance with legal, as well as other important deadlines in order to handle cases in an efficient and timely manner.
5. Assisting in the collection and analysis of statistical data, as well as in the preparation of various reports.
6. Attending initial trainings organized by JPTC FBiH or the JPTC RS and other individual or group trainings and seminars with the aim of improving knowledge and its application in everyday case work.
7. Analyzing the indictment and evidence in in order to understand the decision-making process of indictments (all issues: jurisdiction, mandatory defense, causal link, evidence, etc.).

3.2.4. Exploring factual and legal issues

Practice of law

1. Overview of relevant case law.
2. Following court deadlines for delivery of submissions.
3. Review/analyze and/or summarize the relevant material evidence from files.
4. Identifying and interpreting applicable legal provisions and international legal standards, as well as considering the possibility of their application to a specific case.
5. Submitting reports on research results, orally and/or in writing.

Prosecutor's Office

1. Following the timeliness, admissibility, and regularity of appeals against court decisions.
2. Establishing why the criminal proceedings have been suspended or the judgment has been rejected, and accordingly, submitting requests for the continuation of criminal proceedings.
3. Obtaining data from criminal records.
4. Collecting notifications on actions taken and information collected during the prosecutor's supervision of police officers' work.
5. Conducting various research on substantive and procedural issues.

Court

1. Review/analyzing and/or summarizing relevant material evidence (minutes, reports, contracts, certificates, court expert findings and other documents, as well as seized items) and other documentation (transcripts, submissions, and other documentation from the file).
2. Conducting various research on substantive and procedural issues.
3. Identifying and interpreting applicable legal provisions and international legal standards, as well as considering the possibility of their application to a specific case.
4. Submitting reports on research results, orally and/or in writing.
5. Analyzing relevant case law.
6. Following the timeliness, admissibility, and regularity of appeals against court decisions.

3.2.5. Legal writing**Practice of law**

1. Assisting in providing oral and written legal advice and opinions.
2. Drafting complaints, motions, and other initial submissions (E.g. requests, petitions, remedies, applications).
3. Drawing up contracts, wills, settlements, statements, general and individual acts, as well as other documents.
4. Developing submissions for modification and withdrawal of a claim.
5. Drafting of letters.

Prosecutor's Office

1. Drafting of orders.
2. Drafting of decisions.
3. Drafting of rulings.
4. Drafting of proposals and other prosecution acts.

Court

1. Drafting decisions, judgments, and orders.
2. Drafting plea agreements, penal orders.
3. Drafting of letters and replies in the process of managing and acting on the file.

3.2.6. File/case management**Practice of law**

1. Organizing documents, keeping records and updating files regularly.
2. Regularly informing the client about the status and progress of the case.
4. Using a time recording system and/or monitoring the process of recording costs and payments.
5. Mastering and applying money and time-saving techniques to the benefit of the client.
6. Using a reminder system (dates of next action and statute of limitations).

Prosecutor's Office

1. Organizing documents, keeping records, and updating prosecutorial file regularly.
2. Assisting prosecutors and legal officers in work with the electronically formatted prosecutorial file, i.e. with the Automated Case Management System in Prosecutor's Offices (TCMS).
3. Checking for conflict of interest and personal relation issues that may give rise to a request for witness disqualification.
4. Checking whether circumstances and personal relations exist that would prevent one from appearing as an expert witness in a particular criminal case.
5. Checking the contents of expert witness's report after expert examinations on the prosecutor's order.
6. Management of defendant's files (change of personal data).

Court

1. Organizing documents, keeping records, and updating the court file regularly.
2. Review complaints' legal forms to ensure orderliness.
3. Assisting judges and legal officers with the electronically formatted court files, i.e. with the Automated Case Management System in Courts (CMS).
4. Managing files while deleting convictions and drafting decisions and rulings.

3.2.7. Following the process**Practice of law**

1. Supporting client representation in different settings (e.g. proposals, court hearings, pre-trial conferences, disclosure of evidence, applications, referrals, cost estimates, examinations).
2. Attending court, when permitted, to discuss routine administrative matters (e.g., undisputed adjournments, uncontested and contested motions, and scheduled dates).
3. Preparing clients or witnesses for a trial or other type of interviews.
4. Conducting cases at a hearing or trial when permitted (e.g. status hearings, interrogation of judgment debtors, cases before small claims courts).

Prosecutor's Office

1. Being in attendance at the opening of temporarily seized letters, telegrams, and other parcels.
2. Being in attendance at the opening and inspection of temporarily seized items and documentation, and notifying the items/documentants' owner of their seizure.
3. Informing the preliminary procedure judge about the issuance of an order to a bank, telecommunications operator, or other legal entity in urgent cases.
4. Attending the interrogation of a suspect/defendant during the investigation stage.
5. Delivering summons to testify.
6. Providing support to the prosecutor in managing the ordered expert's report.
7. Attending the interrogation of a person arrested by police authorities.
8. Attending plea bargainings.
9. Learning about the procedure of notifying the chief prosecutor of the failure to complete the investigation within the legally prescribed time limit.

Court

1. Dictation work (typing hearing minutes).
2. Scheduling hearings/dates in agreement with the adjudicating judge.
3. Adjournment of hearings.
4. Checking if the indictment contains all the proposed evidence that is intended to be presented, and informing the judge thereof.

IV FORMS FOR USE

4.1. Mentor and Student Statement of agreement for student practicum completion

Source: adapted from "Goals Chart and Field Supervision Agreement: Externship Program – Spring Semester 2019", Seattle University School of Law & "University of Idaho College of Law Externship Agreement", University of Idaho College of Law.

Section I

Student's first and last name

Name of court/prosecutor's office/lawyer – law firm

Student's signature

Date

Mentor's first and last name

Date

Mentor's signature

Date

Section II – Note to mentors

Thank you for agreeing to supervise and mentor a law student, enabling the improvement and transition of acquired theoretical knowledge to the practice of law. Mentoring takes time and effort, and we appreciate your willingness to help train law students to become ethical and skilled professionals. This statement sets forth the minimum standards governing a mentor-student relationship.

The purpose of having you and the student agree with the provided standards and requirements is to ensure efficient planning and completion of student practicum activities, as well as a stable and functional relationship between you and the student at all stages of the mentoring relationship.

Section III – Statements of parties

I) MENTOR'S AGREEMENT

INTRODUCTION TO THE GUIDE FOR MENTORS ON PRACTICUM COMPLETION:

Taking into account the characteristics and importance of the mentoring relationship, with the aim of informing my own practices and approaches in mentoring, I agree to read the Law Student Practicum Guide (hereinafter: the Guide).

ORIENTATION: I agree to hold an orientation meeting with the student in order to provide them with basic information about competencies/types of legal affairs, internal policies and procedures, standards of professional conduct and dress code, and other details that will help them adapt to the work environment of the institution or law firm.

PROFESSIONALISM AND ETHICS: I agree to create opportunities with the intention of achieving the practicum's goal of introducing the student to the world of law professionals and teaching the importance of professional and ethical conduct. Accordingly, before giving the initial assignments, I will take the time to inform the student of the codes of judicial, prosecutorial, or attorney's ethics. I can include a conversation about this topic in the orientation meeting. I am aware that, in order to help the student independently interpret and apply professional and ethical standards and rules, it is particularly important for them to receive good guidance in understanding data confidentiality, avoiding conflicts of interest, and other general guidelines for issues in this area.

DEVELOPMENT OF PRACTICAL LEGAL SKILLS: I agree to provide the student with as many opportunities as possible to gain practical legal experience and develop practical legal skills that will be useful to them in their further professional development.

ASSIGNMENTS: I agree to organize the work so that the student performs diverse and essential legal tasks. In doing so, I will try to introduce the student to the system of distribution of assignments and to provide him with clear guidelines and deadlines for completion of those assignments. I will use the list of assignments from the Guide for mentors as a reference, adapting the assignments to the current level of the student's legal education.

LIMITED ENGAGEMENT IN ADMINISTRATIVE WORK: I am aware that performing strictly administrative and other tasks that are not aimed at developing practical legal skills and adopting professional and ethical standards of conduct should be used minimally during the practicum completion.

ADEQUATE WORKING CONDITIONS: I agree to provide a decent workspace for the student in the same location where my place of work is located, as well as access to the resources necessary to complete the practicum (e.g. office desk, telephone, computer with internet access, copier).

REGULAR AND OPEN COMMUNICATION: I will try to maintain regular contact with the student in order to talk to them about the assignments and their experiences. Although our relationship is primarily professional, I am aware of the importance of being approachable and open in communication at the same time, and giving the student the opportunity to present their own observations and experiences.

SUPERVISION: I accept the responsibility of performing adequate supervision over the student's work during the practicum's completion. I agree that, as a mentor, I will primarily guide the development of student's professional skills, but also work on building a good relationship with the student in order to provide them with the necessary support.

FEEDBACK: I agree to provide the student with regular, individual, and constructive feedback/ comments after each completed assignment.

FINAL EVALUATION: Upon completion of the practicum, I will complete the Student Evaluation Form, where I will give the final assessment of the student's professional progress.

II) STUDENT'S AGREEMENT

CODE OF CONDUCT AND DRESS CODE: I agree to follow the instructions and seek clarification and advice in a timely manner regarding professional conduct and dress code when completing the student practicum. In the interactions with my mentor, colleagues, and clients; I will act kindly and professionally. I will keep my assigned place of work tidy and will carefully handle the items that are made available to me to perform the assignments.

DATA CONFIDENTIALITY: I accept the obligation to familiarize myself with the standards and rules related to data confidentiality. Based on this and on the mentor's instructions, I will act with due care in collecting and using information that is categorized as confidential, in accordance with binding rules and standards.

CONFLICT OF INTEREST: I accept the obligation to familiarize myself with the standards and rules for the purposes of avoiding conflicts of interest. I will seek to review each assignment in terms of its compliance with established standards and rules, and in case of a potential conflict of interest, I will act conscientiously as required by those standards and rules.

REQUIREMENTS OF PROFESSIONAL AND ETHICAL CONDUCT: I accept the obligation to carefully familiarize myself with the Code of Judicial Ethics, i.e., the Code of Prosecutorial Ethics, or with the Code of Attorney's Ethics and other legislative acts governing this area, in accordance with the requirements of the workplace. In addition to data confidentiality and conflict of interest, I will endeavor to adopt and apply other envisaged standards and rules of professional conduct, in accordance with the relevant code. Through practical training, I will strive to understand the importance and role of established standards and rules, so that they can shape my professional decisions in the future as ethically correct, in order to serve public interest.

ASSIGNMENTS: I will follow the mentor's instructions when performing the assignments, as well as the agreed deadlines for their completion.

WORKING HOURS: I will respect the agreed work schedule. In case of delay or absence, I will inform my mentor thereof in a timely manner.

CONSULTATIONS WITH MENTOR: I will use the agreed time to consult with the mentor and report the status of my assignments to them on a regular basis. I will try to be open to the mentor's criticism and identify what changes I should make. Before consulting the mentor, I will adequately prepare in order to make the best use of our available time.

SELF-EVALUATION: I will try to self-evaluate each assignment I complete and discuss it with my mentor.

FINAL EVALUATION: After completing the practicum, I will complete the Evaluation Form on the completed practicum/internship and mentoring.

4.2. Evaluation of Law Student Form

*Source: the form was adapted from the "Student Evaluation Form,"
from "Clinical Legal Education Handbook" publication.*

The form is to be completed by the mentor (supervisor)

Evaluation submission date: _____

Name of student/post-graduate student (intern): _____

Student practicum/internship duration: _____

Mentor's name and surname: _____

Position/function: _____

Name of the institution/organization/office: _____

Contact details (telephone, e-mail): _____

Instructions for completion: Please evaluate the student/intern's performance by marking the field that corresponds to your view of their engagement, i.e., your assessment of their success in performing various assignments. If necessary, write an additional comment, especially if you have determined that the student/intern's performance is unsatisfactory or requires improvement.

List and briefly describe the assignments the student/intern spent most of their time on:

I. Work Attitude and Professional Responsibility

- **Attitude (desire to learn; enthusiasm; ability to accept constructive criticism; collegiality):**
- **Initiative (readiness to be involved in the work process; readiness to take on assignments; ability to complete assignments independently):**

☐ Excellent ☐ Very good ☐ Good ☐ Satisfactory ☐ Unsatisfactory

Commentary: _____

- **Interpersonal skills (effective communication with colleagues and/or clients, ability to work in a team):**

☐ Excellent ☐ Very good ☐ Good ☐ Satisfactory ☐ Unsatisfactory

Commentary: _____

- **Ability to work under pressure and complete assignments within the defined deadlines:**

☐ Excellent ☐ Very good ☐ Good ☐ Satisfactory ☐ Unsatisfactory

Commentary: _____

- **Professionalism (professional communication, respecting planned working hours, complying with the dress code):**

☐ Excellent ☐ Very good ☐ Good ☐ Satisfactory ☐ Unsatisfactory

Commentary: _____

- **Abiding by the principles and rules of conduct set out in the Code of Judicial/Prosecutorial/Attorney's Ethics (potential conflict of interest, keeping the cases confidential, etc.):**

☐ Excellent ☐ Very good ☐ Good ☐ Satisfactory ☐ Unsatisfactory

Commentary: _____

- **Identifying the ethical issues and potential ethical problems:**

☐ Excellent ☐ Very good ☐ Good ☐ Satisfactory ☐ Unsatisfactory

Commentary: _____

II. Legal Knowledge and Skills

- **Identifying and resolving legal issues by finding adequate legislation (critical thinking):**

☐ Excellent ☐ Very good ☐ Good ☐ Satisfactory ☐ Unsatisfactory

Commentary: _____

- **Legal research skills (thoroughness, accuracy, efficiency):**

☐ Excellent ☐ Very good ☐ Good ☐ Satisfactory ☐ Unsatisfactory

Commentary: _____

- **Legal writing skills (clarity, conciseness, accuracy, logic):**

☐ Excellent ☐ Very good ☐ Good ☐ Satisfactory ☐ Unsatisfactory

Commentary: _____

- **Oral communication skills (clarity, conciseness, accuracy, logic):**

☐ Excellent ☐ Very good ☐ Good ☐ Satisfactory ☐ Unsatisfactory

Commentary: _____

- **Participation in consultations/procedural actions (participation/observation of interviews with the client/lawyers/parties/witnesses, documentation of meetings, etc.):**

☐ Excellent ☐ Very good ☐ Good ☐ Satisfactory ☐ Unsatisfactory

Commentary: _____

- **File and practice management (informing the client about the progress of the case/delivery of writs, documenting the file, organizing the file, using the reminder system - dates of next action and statute of limitations, etc.):**

☐ Excellent ☐ Very good ☐ Good ☐ Satisfactory ☐ Unsatisfactory

Commentary: _____

- **Negotiations (preparation, following negotiations, etc.):**

☐ Excellent ☐ Very good ☐ Good ☐ Satisfactory ☐ Unsatisfactory

Commentary: _____

III. General Impression and Advice for the Student/Intern

- **General impression of the student/intern:**

Commentary: _____

- **Which legal skills has the student/intern best developed and in which areas have they best performed?**

- **What advice do you have for further student/intern professional development?**

4.3. Evaluation of Mentor/Supervisor Form

Source: the form is adapted based on "Student Evaluation Form," from "Clinical Legal Education Handbook" publication.

The form is to be completed by the law student/intern

Data on student/intern (who is completing the form)

Name and surname: _____

Current status: ☐ Student ☐ Post-graduate student (Intern)

Name of the legal institution you attend/graduated from: _____

Contact details (telephone, e-mail): _____

Mentor's data

Name and surname: _____

Position/function: _____

Name of institution/law firm: _____

Contact details: _____

Please complete this form after completing your practicum/internship. The purpose is to share your experience and thus directly contribute to the further improvement of practicum and internship programs within the institution/firm.

Instructions for completion: Questions are divided into two groups. The first group of questions relates to your mentor's engagement and approach when working with you. The second group of questions concerns your professional development, i.e., acquired knowledge and skills. Certain questions require that you rate your mentor's approach/work on a scale of 1 to 5. For the second group of questions, please circle one or more of the answers provided. Feel free to leave additional comments and/or questions.

I. Mentor's Engagement and Approach When Working With Student/Intern

*Please circle the answer that corresponds to your experience,
and if necessary, write an additional comment.*

- **Mentor's effort in creating a participatory work atmosphere where I feel I am a part of the team (encouraged me to think and share my opinion):**

<i>Excellent</i>	<i>Very good</i>	<i>Good</i>	<i>Satisfactory</i>	<i>Unsatisfactory</i>
5	4	3	2	1

Additional commentary: _____

- **Mentor's openness and approachability when I asked them questions or asked for explanations:**

<i>Excellent</i>	<i>Very good</i>	<i>Good</i>	<i>Satisfactory</i>	<i>Unsatisfactory</i>
5	4	3	2	1

Additional commentary: _____

- **Mentor's criticism of my work (is it constructive, meaningful, well-reasoned):**

<i>Excellent</i>	<i>Very good</i>	<i>Good</i>	<i>Satisfactory</i>	<i>Unsatisfactory</i>
5	4	3	2	1

Additional commentary: _____

- **Taking the time to address my work:**

<i>Excellent</i>	<i>Very good</i>	<i>Good</i>	<i>Satisfactory</i>	<i>Unsatisfactory</i>
5	4	3	2	1

Additional commentary: _____

II. Professional Development

- **My mentor successfully shared their legal knowledge and skills with me during the practicum/internship:**

<i>Excellent</i>	<i>Very good</i>	<i>Good</i>	<i>Satisfactory</i>	<i>Unsatisfactory</i>
5	4	3	2	1

Additional commentary: _____

- **My mentor provided relevant information on ethics and professionalism in the legal profession and introduction to the Code of judicial/prosecutorial/attorney's ethics:**

<i>Excellent</i>	<i>Very good</i>	<i>Good</i>	<i>Satisfactory</i>	<i>Unsatisfactory</i>
5	4	3	2	1

Additional commentary: _____

- **How often has your mentor drawn your attention to the importance of professional conduct and adherence to the Code of judicial/prosecutorial/attorney's ethics?**
 - a) They often warned me to pay attention to this in relation to specific legal situations.
 - b) Rarely.
 - c) Not once after introducing me to the basic principles and rules.

Additional commentary: _____

- **Which legal skill have you best developed (multiple answers possible)?**

- a) Identifying and resolving legal issues by finding adequate legislation
- b) Legal research
- c) Legal writing
- d) Planning and counselling
- e) Negotiation

Additional commentary: _____

- **What type of assignments did you perform most often (multiple answers possible)?**

- a) Identifying and resolving legal issues by finding adequate legislation
- b) Legal research
- c) Legal writing
- d) Participation in consultations/investigations/observations of interviews with the client/lawyers/parties/witnesses, documentation of meetings
- e) Planning and counseling (detailed analysis, drafting opinions)
- f) File and practice management (informing the client about the progress of the case/delivery of writs, documenting the file, organizing the file, using the reminder system - dates of next action and statute of limitations)
- g) Negotiations (preparation, following)
- h) Translation

Additional commentary: _____

- **How often have you performed tasks that are not directly related to the legal profession?**
 - a) Often (several times a week)
 - b) Occasionally, only when the need arises
 - c) Never

Additional commentary: _____

- **Considering your initial expectations, how would you rate the usefulness of assignments given to you by your mentor?**

<i>Excellent</i>	<i>Very good</i>	<i>Good</i>	<i>Satisfactory</i>	<i>Unsatisfactory</i>
5	4	3	2	1

If you rated it a 1 or 2, please provide a short explanation: _____

- **How would you rate this experience in terms of deciding your future steps in a career as a judge/prosecutor/lawyer?**

<i>Excellent</i>	<i>Very good</i>	<i>Good</i>	<i>Satisfactory</i>	<i>Unsatisfactory</i>
5	4	3	2	1

Additional commentary: _____

- **How would you rate the usefulness of this experience in terms of networking in the judicial community, i.e., making new business contacts?**

<i>Excellent</i>	<i>Very good</i>	<i>Good</i>	<i>Satisfactory</i>	<i>Unsatisfactory</i>
5	4	3	2	1

Additional commentary: _____

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