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HOW MUCH FOR A LEGAL INTERN? INTERNSHIPS AT LAW OFFICES IN SERBIA

Abstract: *The aim of this paper is to examine the position of legal interns in Serbia. The first part of the paper provides the theoretical framework for the research, as well as an overview of the normative position of legal interns, whereas the second part presents the methodological framework of the research and analysis of the data collected from 517 respondents. The results of the study confirm the hypothesis that current socio-economic changes have led to the transmission of stratification within the legal profession to the position of legal interns. Additionally, the data provide valuable insights into the experiences and challenges faced by legal interns, which have implications for the review of legal regulations governing their rights and obligations.*

Key words: legal profession, legal interns, young people, labour market.

1. INTRODUCTION

Radical changes in the sphere of labour in Serbia, intensified during the period of post-socialist transformation and restoration of capitalism, encompass almost all categories of occupations and professions. The interest of social scientists in the position of the legal profession, the process of its internal stratification and positioning in relation to other professions, has become more frequent considering the current transformation of labour relations and corporate governance of the legal profession. Since the focus of the existing research in local and international literature so far has mainly been on attorneys, as the main representatives of legal profession, the subject of this paper will be the position of legal interns, a marginalised group within the legal profession. By examining the features of

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legal internships in Serbia, this paper aims to broaden our understanding of the legal profession and the changes it is undergoing. Additionally, this research will take a micro-sociological approach, delving into the everyday challenges faced by legal interns and the power dynamics at play within the law offices which are the basic units where the specificities of the legal profession are most apparent. The information about the position of legal interns can serve as a starting point for considering possible changes in terms of legal regulations that define interns' rights and obligations. The practical implications of this research are particularly significant taking into account that legal interns are in the process of transitioning to adulthood, *i.e.* the stage of life course where young people are faced with the imperative of making key life decisions, and that the characteristics of their employment can be an essential cause for the prolonging and fragmentation of this transition.

The survey was conducted in November 2021 on a sample of 517 legal interns, registered in various bar associations in Serbia. The heterogeneity of the sample in terms of socio-demographic characteristics, the type of contract concluded with the principal, the features of the offices in which they were working, and personal experiences related to the internship were of crucial importance for drawing conclusions about their position and recommendations for its improvement.

2. THEORETICAL FRAMEWORK

It is possible to follow the process of radical transformations in labour markets in developed industrialised countries in Europe, starting from the 1970s. As a consequence of neoliberal reforms, restructuring, and the need to reduce production costs, labour relations involve increasingly the flexibility of work arrangements, unpaid overtime, precarisation, and union banning. Systemic changes and the resulting changes in the labour market in Serbia have resulted in an increased presence of non-standard forms of employment and a high rate of informal employment.¹ A new set of practices associated to labour relations has led to a spill over of risks from capitalists to workers.² In other words, the increasingly pronounced absence of engagements that imply long-term employment and

1 Marković, A., *Prekarnost radnih uslova u Srbiji*, in: Lazić, M., Cvejić, S. (eds.), 2019, *Stratifikacijske promene u periodu konsolidacije kapitalizma u Srbiji*, Belgrade, University of Belgrade Faculty of Philosophy, Institute for Sociological Research, pp. 121–141.

2 Standing, G., 2011, *The Precariat: The New Dangerous Class*, London, Bloomsbury Academic.

predictability of working conditions, not only dictates the orientation towards short-term goals and the impossibility of long-term planning, but also pushes job security into the background, under the guise of alleged autonomy in work.

In terms of existing risks associated with the labour market, the education-to-work transitions of young people is no longer following the so-called “standard” form, and is becoming prolonged and fragmented. Even high qualifications do not guarantee secure employment, while young people are often required to continue their education, which creates new risks of deprivation.³ In other words, safe and paid work is one of the key prerequisites for making key life decisions, as part of the transition to adulthood. Job insecurity not only becomes a source of stress that negatively affects psychophysical wellbeing, but may also represent one of the central causes of delaying life events that are key to the family and housing transition to adulthood, such as establishing a life partnership, having children, and achieving residential independence. Specifically, life in the extended present moment is actually a result of global social relations, which on one hand requires that young people make a large number of decisions and plans, while on the other hand, the changed structural living conditions do not allow for the prediction of the outcomes of such choices.⁴

Research has shown that the professional sphere is the area in which young people in Serbia are least satisfied, which is not surprising considering the high unemployment rate and precarious work in the country.⁵ What is particularly interesting is that within the age cohort 25–29 years, a larger number of young people combine education and work, which is half that of the European average in the middle cohort – clearly indicating a specific pattern of the education-to-work transition in Serbia, where prolonged completion of tertiary education is combined with temporary and occasional (non-regulated, risky, precarious) work and employment, driven by the pressure from the family of origin and the aspirations of young people to achieve financial independence. Accordingly, we may also assume that the overlap between educational and work trajectories imposes and establishes the requirement for continuing/further education, even after completing tertiary education. Research has also indicated

3 Tomanović, S., Stanojević, D., 2015, *Mladi u Srbiji 2015: stanja, opažanja, verovanja i nadanja*, Belgrade, Friedrich Ebert Stiftung: SeConS Development Initiative Group.

4 Leccardi, C., 2005, Facing Uncertainty: Temporality and Biographies in the New Century, *Young*, Vol. 13, No. 2, pp. 123–146.

5 Stanojević, D., Tomanović, S., Ljubičić, M., 2016, Elements of Life Satisfaction among Young Adults in Serbia, *Journal of Youth Studies*, Vol. 19, No. 7, pp. 973–989.

overexploitation in the context of the number of working hours of temporarily and permanently employed young people, since only slightly less than half of them (43.1%) work fewer hours than full-time.⁶ The young people studied in this paper – legal interns – represent a narrow segment of the category that features the overlapping of the educational and work trajectories. However, unlike the typical features of jobs performed by precarious workers, their work is situated within the framework of a clearly defined profession, and in that sense their position is between precarious and steady employment situations.

Occupations represent the outcome of a relatively stabilised division of labour and are expressed as a structured set of activities, *i.e.* jobs, that result in the production of specific goods or services.⁷ A profession, on the other hand, is a distinct type of occupation that involves work autonomy and monopoly over certain areas of professional expertise requiring higher education.⁸ Namely, establishing a profession relies heavily on the mechanism of segregating its members from those who lack specific type of expertise. Work autonomy is reflected in the enforcement of internal ethical codes and rules that shape entry conditions, career paths and institutional structures.⁹ The institutional aspect of the professionalisation process includes both formal (such as constitutions, laws, and statutes) and informal (such as norms and values) “rules of the game”, which also serve as a unifying element of freelance professions.¹⁰ In this respect, the institutional framework determines professional socialisation (and reproduction of the status of profession and “rules” that apply within its framework), influencing the attitude towards young professionals, such as legal interns, who are in the recruitment stage of the specific profession.

The legal profession involves working in different organisations (not only narrowly professional ones), so the professional socialisation of young lawyers is conducted in accordance with the type and needs of the organisation in which they are engaged. The practice of law is traditionally

6 *Ibid.*

7 Šporer, Ž., 1990, *Sociologija profesija: Ogled o društvenoj uvjetovanosti profesionalizacije*, Zagreb, Croatian Sociological Society, p. 15.

8 *Ibid.*; Deflem, M., 2008, *Sociology of Law Visions of a Scholarly Tradition*, Cambridge, Cambridge University Press, pp. 186–187.

9 Vuković, D., Grozdić, V., Forić, S., Serbia and Bosnia and Herzegovina: Challenges of Democratic Consolidation and Liberalisation, in: Abel, R., Hammerslev, O., Sommerlad, H., Schultz, U. (eds.), 2020, *Attorneys in Society – 30 Years Later*, Oxford, Hart Publishing.

10 Pejovich, S., 2006, The Uneven Results of Institutional Changes in Central and Eastern Europe: The Role of Culture, *Social Philosophy and Policy*, Vol. 23, No. 1, pp. 231–254.

classified in the so-called “classic” liberal professions that independently perform their activities outside organisational forms.¹¹ It is believed by some authors that there are sufficient differences within the legal profession, that it can be analytically divided into two professions: corporate attorneys in global law offices, who represent legal entities, and independent attorneys who represent natural persons, whereby members of the former enjoy significantly higher prestige and income than members of the latter, who predominantly engage in managerial and consulting work.¹² Namely, there is a trend of internal stratification of the profession, which has long been present in countries with developed capitalism. Attorneys working in large or international law offices, representing business entities, enjoy significantly better financial positions compared to those working in small offices and whose primary clients are natural persons, whereby attorneys from the largest offices report annual incomes as much as 60% higher than independent attorneys, while those from smaller offices report slightly higher income than independent attorneys.¹³ Attorneys whose clients are mostly natural persons have the lowest reported annual income, whereas those with no experience in working with natural persons or only occasionally work for them, consider their financial position the best and report the highest income.¹⁴ These findings unequivocally indicate a clear polarisation within the legal profession, based on two interrelated factors – working for a certain type of client and the size of the office, *i.e.* the degree of corporatisation. This polarisation may also lead to stratification among legal interns.

3. NORMATIVE POSITION OF LEGAL INTERNS

An *attorney* is defined as “a person qualified and authorised according to the national law to plead and act on behalf of his or her clients, to engage in the practice of law, to appear before the courts or advise and represent his or her clients in legal matters”.¹⁵ In Serbia, attorneys are divided into bar associations on a territorial basis,¹⁶ all of which belong to the Bar

11 Šporer, Ž., 1990, pp. 29–30.

12 Calavita, K., 2010, *Invitation to Law and Society: An Introduction to the Study of Real Law*, Chicago, The University of Chicago Press, p. 27.

13 Vuković, D., 2017, Advokatura u Srbiji: Rezultati empirijskog istraživanja, *Branič, Časopis za pravnu teoriju i praksu Advokatske komore Srbije*, 1–4, p. 106.

14 *Ibid.*, p. 107.

15 Rec(2000)21 Committee of Ministers of the Council of Europe (<https://www.icj.org/wp-content/uploads/2014/10/CoE-rec200021-freedom-exercise-profession-lawyer.pdf>, 17. 10. 2022).

16 The Bar Associations in Belgrade, Vojvodina, Niš, Kragujevac, Šabac, Čačak, Požarevac, Zaječar and Kosovo.

Association of Serbia. Becoming an attorney requires the completion of a two-year internship,¹⁷ passing the bar examination, as well as registration as an attorney in one of the bar associations in Serbia.¹⁸ The term *legal intern* refers to a law graduate who meets the qualifications and requirements set forth by law in order to work as an intern,¹⁹ and who is trained in the legal profession by interning with an attorney.²⁰ At the end of two years internship period and fulfilling the conditions for taking the bar examination, the bar association *ex officio* issues a decision on the removal of the legal intern or a volunteer legal intern from the corresponding directory of legal interns.²¹ The internship must be completed within one year after the intern passes the bar examination.²² The attorney with whom a legal intern concludes an Internship Contract, becomes his or her attorney principal. In Serbia, it is a standard practice that due to its labour and legal nature, this contract is either an employment agreement or a contract on volunteering, whereas exceptionally attorneys conclude contracts on professional training and development with legal interns. The normative position of legal interns is defined by the Law on Advocacy, the statute of the bar association in which the legal intern is registered, the Code of Ethics for Attorneys, the Labour Law, and the Law on Volunteering.

The purpose of doing an internship is to gain knowledge and experience in the legal profession, and the rights and obligations of both the legal interns and their principals are defined accordingly. The legal intern has the right on suitable working conditions and training in accordance with the purpose of the internship and the plan and program of internship adopted by the Bar Association of Serbia.²³ Such plan and program is not publicly available on the website of the Bar Association of Serbia, and it is up to the attorneys to organise work assignments for their legal interns. The Bar Association of Vojvodina has adopted a Training Program for Legal Interns of the Bar Association of Vojvodina during the Internship Period,²⁴ but that document only outlines the rights and obligations of the legal interns and the principals, as well as the goals of internship,

17 Art. 2. of the Law on the Bar Examination (LBE), *Official Gazette of the RS*, No. 16/97.

18 Art. 5. of the Law on Advocacy (LA), *Official Gazette of the RS*, Nos. 31/11 and 24/12 – Decision of the Constitutional Court.

19 Art. 54. LA; Art. 181. of the Statute of the Bar Association of Serbia (SBAS), *Official Gazette of the RS*, Nos. 85/11, 78/12 and 86/13.

20 Art. 4. LA.

21 Art. 247. SBAS.

22 Art. 271. SBAS.

23 Art. 269. SBAS.

24 https://akv.org.rs/wp-content/uploads/2018/05/Program-obuke-adv.pripr_akv_.pdf, 17. 10. 2023.

without any specific instructions and inputs. The attorney is required to provide the legal intern with adequate training and working conditions in accordance with the purpose of the internship, to implement the internship plan and programme, and supervise his or her work and professional development.²⁵ The attorney, for whom the legal intern works, is responsible for any omission on the behalf of the legal intern.²⁶ Also, the attorney may not use the legal intern for tasks that are not related to the internship.²⁷

Although legal interns are entitled to earnings and other employment-related rights in accordance with the law and employment agreement during their internship,²⁸ it is important to note that the same law also establishes a category of volunteer legal interns.²⁹ The latter category of legal interns does not have the right to earnings and it is subject to the regulations for volunteer work, *i.e.* the Law on Volunteering is applied accordingly.³⁰ In addition to signing an employment agreement or contract on volunteering, it is possible for the legal intern and his or her principal to sign a third type of contract: a contract on professional training and development. This type of contract is concluded only in professions in which the knowledge necessary for passing a certain professional exam is acquired through internship³¹ and it may or may not include remunerations. The Bar Association of Serbia treats attorneys who have this type of contract as volunteer legal interns. Volunteering is defined as the organized and voluntary provision of services or the performance of activities that promote the common good or benefit another person, without any form of remuneration or material benefits.³² It is particularly emphasized in the law that time spent on professional training and development or practical work is not considered volunteering.³³ Volunteering that replaces the work which is in accordance with labour regulations is also prohibited.³⁴

25 Art. 17. LA; Art. 41, para. 1. of the Code of Ethics for Attorneys, *Official Gazette of the RS*, Nos. 27/12 and 159/20 – Decision of the Constitutional Court (hereinafter: CEA).

26 Art. 22, para. 2. LA; Art. 257. para. 2. SBAS.

27 Art. 40, para. 3, item 3. CEA.

28 Art. 59. LA.

29 Art. 62. LA. The status of the volunteer legal intern is also referred to in the Art. 272. SBAS.

30 Law on Volunteering (LV), *Official Gazette of the RS*, No. 36/10.

31 Art. 201. of the Labour Law, *Official Gazette of the RS*, Nos. 24/05, 61/05, 54/09, 32/13, 75/14, 13/17 – Decision of the Constitutional Court, 113/17 and 95/18 – authentic interpretation.

32 Art. 2. LV.

33 Art. 3. LV.

34 Art. 8. LV.

The question is why some legal interns possess equivalent qualifications and perform the same duties during the internship, but have a volunteering contract? Furthermore, to what extent is it possible to apply the Law on Volunteering to volunteer legal interns, given that the law explicitly stipulates that the volunteering contract must not feign the employment one? It is hard to defend the thesis that legal internships are in the general interest, considering that law offices are profit-driven, and attorneys are entitled to remuneration. Although the legal profession is necessary for the functioning of any modern legal system, attorneys do not perform tasks of general interest in accordance with the Law on Volunteering, and it cannot be claimed that their legal interns do either. In terms of their obligations, legal interns and volunteer legal interns have absolutely the same position. Also, the law does not define the criteria for choosing in which cases an employment agreement or a volunteering contract should be concluded, leaving it to the agreement between the legal intern and the principal, where the clearly unequal position of the negotiating parties often results in the principal making the decision. On the other hand, a volunteer legal intern is significantly less protected than a legal intern with an employment agreement. Without an employment agreement, the volunteer legal intern does not receive remuneration for his or her work and is not granted the rights arising from the employment which are connected to social security (health, pension, and disability insurance). Issues such as vacation days, number of working hours and overtime work are also left to case-by-case agreement with the attorney principal. The contract regulating mutual rights and obligations of the attorney and their intern is usually a standard contract,³⁵ with an unclear position of the legal intern. Therefore, it is necessary to refer to the relevant law for all matters relating to interns' rights and obligations.

Another aspect of the inapplicability of the Law on Volunteering to the category of volunteer legal interns is the issue of establishing an employment relationship in another place during the volunteer internship. In the case of establishing an employment relationship outside of the legal profession, the attorney ceases to have the right to practice law, and this provision also applies to legal interns.³⁶ One can justifiably ask the question to what extent this provision is constitutional and whether it violates the right to work guaranteed by Article 60. of the Constitution of the Republic of Serbia³⁷ for attorneys and legal interns. However, applying this

35 An example of the contract that volunteer legal interns most often conclude with their principal is available at: <https://akbgd.org.rs/wp-content/uploads/2022/08/UgovorOVolonterskomRadu.pdf>, 17. 10. 2022.

36 Art. 244. SBAS.

37 Constitution of the Republic of Serbia, *Official Gazette of the RS*, Nos. 98/06 and 115/21.

provision to the category of volunteer legal interns becomes even more pointless and mostly affects volunteer legal interns who do not receive remuneration for their work.³⁸ For volunteer legal intern, concluding an employment agreement outside the legal profession disables the possibility to complete the internship.³⁹ It is expressly pointed out in Article 17. LV that by volunteering, volunteers do not lose their rights based on unemployment, and thus volunteering cannot prevent establishment of a new employment relationship. Finally, when it comes to the position of legal interns within the Bar Association of Serbia, they are practically invisible. There is nobody that represents the interest of legal interns at the bar associations, nor do legal interns have their representatives in the assembly of attorneys. Although there is a provision that the Bar Association of Serbia is responsible for protecting the rights and interest of attorneys and legal interns,⁴⁰ there are no institutional mechanisms that would allow and encourage the participation of legal interns. Although the Statute of the Bar Association of Serbia does not recognise the possibility of establishing a department of legal interns within Association, the statutes of bar associations of Belgrade⁴¹, Vojvodina⁴², Kragujevac⁴³ and Šabac⁴⁴ stipulate establishing such departments. According to the statutes of those four bar associations, departments of legal interns discuss issues of importance for the status and professional development of legal interns, and their initiatives are discussed by the bar association's boards of directors.⁴⁵

The application of the Law on Volunteering to volunteer legal interns creates the possibility for law offices to generate additional profit by using free labour,⁴⁶ which is expressly prohibited by Article 8. LV. The absence of clear legal regulations in the field of labour relations outside of the employment relationship and inaccuracies in the existing provisions provide

38 Art. 62, para. 2. LV.

39 Art. 54. LV.

40 Art. 9. SBAS.

41 Arts. 135–138. of the Statute of the Bar Association of Belgrade (SBAB), *Official Gazette of the RS*, Nos. 85/11, 78/12 and 86/13.

42 Art. 65 of the Statute of the Bar Association of Vojvodina (SBAV), *Official Gazette of AP Vojvodine*, Nos. 36/12, 23/13, 52/15, 50/17, 22/19 and 44/20 and *Official Gazette of the RS*, No. 159/20 – Decision of the Constitutional Court.

43 Arts. 230–233. of the Statute of the Bar Association of Kragujevac (SBAK), *Official Gazette of the City of Kragujevac*, Nos. 14/12 and 33/12.

44 Arts. 207. and 298. of the Statute of the Bar Association of Šabac (SBAŠ), *Official Gazette of the City of Šabac and Municipalities: of Bogatić, Vladimirci and Koceljeva*, Nos. 30/12, 2/14 and 27/15.

45 Art. 137. SBAB; Art. 231. SBAK; Art. 208. SBAŠ.

46 Reljanović, M., 2019, *Alternativno radno zakonodavstvo*, Belgrade, Rosa Luxemburg Stiftung Southeast Europe, p. 67.

the employers with a great leeway for misapplication, placing workers in a vulnerable position to be subjects of labour exploitation, especially in the case of young people who often accept unsafe work conditions, earnings lower than the legally prescribed minimum, and significantly reduced protection of the rights guaranteed by the Labour Law.⁴⁷ Therefore, this is one of the manifestations of increased flexibility of the labour markets and labour relations as part of the neoliberal reforms, which enables employers to circumvent their obligations towards employees, based on the Labour Law, and to reduce costs for the principal attorney, which practically enables the emergence of illegal work. A historical analysis of the position of legal interns in Balkan region shows the link between the socio-historical context and the erosion of labour rights. Namely, during the socialist period the regulation on interns was first prescribed by the Federal Law on Labour Relations and the Law on Civil Servants from 1957, and then ten years later the special Law on Internship was adopted (basic law on mandatory acceptance of interns in workplaces), via the Law on the Rights and Obligations of Workers in Associated Labour from 1974 and the Law on Mutual Relations of Workers in Associated Labour, which equated interns to other workers in terms of rights and obligations.⁴⁸ On the other hand, the increased flexibility officially promoted by the amendments to the Labour Law in 2014, made the labour relations uncertain, employment agreements relatively easy to terminate, and the protection of the employees less effective.⁴⁹

4. METHODOLOGICAL FRAMEWORK

The primary objective of this study was to explore the specificity of the position of legal interns. Identifying the potential challenges and obstacles that legal interns perceive in connection with their involvement with law offices is important in order to recognise opportunities for improving their position and work. The survey research was conducted in November 2021 on a sample of 517 respondents. The sample included 307 women (59.4%) and 210 men (40.6%), aged between 23 and 35, who were registered with one of the bar associations in Serbia as legal interns during the period of 2018–2021. This criterion was chosen in order to include legal

47 Reljanović, M., Kovačević, Lj., 2018, *Pravni i institucionalni okvir borbe protiv radne eksploatacije – zbornik studentskih radova*, Belgrade, ASTRA – Anti rafficking action, p. 13.

48 Božinović, Lj., 1980, *Priručnik o primanju i stručnom osposobljavanju pripravnika*, Belgrade, Pravno-ekonomski centar, pp. 5–6.

49 Reljanović, M., 2019, p. 289.

interns who had been registered in the directory of legal interns with the competent bar association during the previous two years, as well as those who still had the status of a legal intern, as two years had not elapsed since they met the conditions for taking the bar examination. Tables 1 and 2 show the distribution of respondents according to the bar associations in which they were registered and the year of registration.

Table 1 Distribution of respondents according to bar association

Bar association ⁵⁰	BA Belgrade	BA Vojvodina	BA Niš	BA Kragujevac	BA Čačak	BA Šabac	BA Požarevac	BA Zaječar
Number of respondents (%)	301 (58.2%)	82 (15.9%)	75 (14.5%)	18 (3.5%)	25 (4.8%)	4 (0.8%)	7 (1.4%)	6 (1%)

Table 2 Year of bar association registration

Year of BA registration	2018	2019	2020	2021
Number of respondents (%)	76 (14.7%)	148 (28.6%)	167 (32.3%)	126 (24.4%)

The underlying hypothesis was that the trend of stratification within the legal profession, based on the type of clients and size of the law office, is also reflected in the financial standing of the legal interns. In other words, the hypothesis reads as follows: legal interns who work in large law offices (which mainly represent legal entities) have a higher monthly remuneration than legal interns who work in law offices of small or medium size, and whose clients are predominantly natural persons. Also, we formulated two special hypotheses:

- Legal interns who have the employment agreement also have higher monthly remuneration than those who signed a contract on volunteering.
- A higher degree of dissatisfaction with work conditions is expressed by legal interns who signed a contract on volunteering.

The opinion poll was distributed through social networks, as well as by contacting individual law offices, which forwarded the poll to legal interns currently engaged in their offices. For the purpose of data collection and analysis, we used the *Google Forms* platform and SPSS software package.

⁵⁰ The sample does not include legal interns registered in the Bar Association of Kosovo.

5. DATA ANALYSIS

The largest number of respondents interned in offices that were not specialised in any single field of law (53.8%), and almost a quarter of them worked in the offices which predominantly deal with commercial law (24.2%). These were followed by the offices specialised in civil law (16.2%), whereas the smallest share of offices deals with criminal law (5.8%). In terms of the type of clients that the office represents, a third of respondents stated that they worked in offices that predominantly represent natural persons (33.7%), legal entities were predominant clients in 26.5% of cases, while the largest number of respondents did their internship in offices whose clients are equally natural persons and legal entities (39.8%). The highest percentage of legal interns worked in offices that employ up to 5 attorneys (74.1%), while a strikingly smaller share interned in offices with 6 to 10 attorneys (12.8%), followed by office with 11 to 20 attorneys (7.2%) and those with more than 20 attorneys (6%). A similar structure can be found in the offices according to the number of legal interns: a huge majority of respondents worked in the offices that employed up to 5 legal interns (86.7%), followed by offices with 6 to 10 legal interns (8.3%), those with between 11 and 20 legal interns (2.7%) and with more than 20 legal interns (2.3%).

Table 3 shows the distribution of the main source of the respondents' income during the internship. One third of the respondents indicated their personal income as the main means of subsistence (33.7%), while there was almost the same percentage of those who were supported by their parents/family (30.8%), and slightly smaller number of them (22.1%) emphasised the assistance of their parents/family as a dominant source of income.

Table 3 Income sources of the respondents

Main source of income	%
Personal income (employment agreement, informal employment)	33.7
Assistance by parents/family	22.1
Subsistence by parents/family	30.8
Assistance by partner/spouse	3.7
Subsistence by partner/spouse	6.0
Unemployment benefits	1.5
Scholarship funded by a public institution	2.1
Scholarship funded by a company	0.2

Only 15.1% of legal interns in the sample signed an employment agreement, versus 84.9% of those who had a volunteering contract, with the principal deciding the type of contract in 76.6% of cases, and in 23.4% of cases this decision was made in consultation with the legal intern. During the internship, 83.8% of legal interns received remuneration, while 16.2% of them were not paid for their work. Median monthly earnings amounted to RSD 24,000, which is almost RSD 10,000 less than the minimum net earnings prescribed in 2021.⁵¹ Table 4 shows the amount of monthly remuneration of legal interns.

Table 4 Monthly remuneration of respondents

Monthly remuneration	%
Did not receive any remuneration	16.2
Up to RSD 10,000	5.4
From RSD 10,001 to 20,000	13.9
From RSD 20,001 to 30,000	26.5
From RSD 30,001 to 40,000	18.0
From RSD 40,001 to 50,000	8.9
More than RSD 50,001	11.1

More than two thirds of the respondents (67.7%) reported the need to have an additional job during their internship in order to supplement their income. Additional work was performed every month by 21.5% of respondents, 20.5% performed it occasionally, while 13.2% of legal interns made additional income once or twice a year (Table 5).

Table 5 Frequency of performing additional work

Frequency of performing additional work	%
Regularly (every month)	21.5
Occasionally (5–6 times a year)	20.5
Seldom (1–2 a year)	13.2
Never	44.8

The empirical study showed that the trend of stratification of legal profession on basis of the branch of law and type of clients is also present in

51 Data on monthly net earnings (https://www.paragraf.rs/statistika/arhiva-minimalna_zarada.html, 17. 10. 2022).

Serbia,⁵² and results of the analysis of our data show that differentiation according to these criteria is transferred to legal interns. The t-test and analysis of variance (ANOVA) show that there are statistically significant differences in the income of legal interns according to the branch of law predominantly handled by the law office in which the legal interns are interned (Table 6), the size of the office (Table 7), and the type of contract that they have (Table 8).

Table 6 Differentiation of legal interns according to the branch of law – Tukey test⁵³

Branch of law in which the law office is specialised	N	P≤ 0.05	
		1	2
Not specialised	278	20.217	
Criminal law	30	20.700	
Civil law	84	24.478	
Commercial law	125		46.521
Sig.		0.649	1.000

The one-way analysis of variance shows that the difference in the monthly remuneration of the legal interns, between the offices that predominantly deal with civil law, criminal law and those which are not specialised in any of the branches of law, is not statistically significant. On the other hand, there is a statistically significant difference between the monthly remuneration of the legal interns engaged in the offices specialised in commercial law and all other categories.

Table 7 Differentiation of legal interns according to the size of the office – Tukey test⁵⁴

Number of attorneys in the law office	N	P≤ 0.05		
		1	2	3
1–5	382	21242.6110		
6–10	66		31226.2121	
11–20	37		38474.5946	
More than 20	31			80402.9032
Sig.		1.000	0.234	1.000

52 Vuković, D., Grozdić, V., Forić, S., 2020.

53 F=44,039 p=0,000.

54 F=93,378 p=0,000.

The one-way analysis of variance has demonstrated statistically significant differences in the monthly remuneration of legal interns, even in terms of the size of the office. Three groups of law offices were identified: small law offices up to five attorneys, medium-sized offices with 6 to 20 attorneys, and large offices with more than 20 attorneys. Table 7 unequivocally indicates the polarisation according to the monthly remuneration of legal interns who worked in small and medium-sized offices, on one side, and those who were engaged in large offices, on the other side.

Finally, the t-test confirmed a significant difference between monthly remuneration of legal interns depending on the type of contract they had concluded with the principal (Table 8). Those ones with the employment agreement earned more than the legal interns who signed a contract on volunteering with their principal (Table 8).

Table 8 Differentiation of legal interns according to the type of contract – t-test⁵⁵

Type of contract	N	Mean value (Last monthly remuneration)	Standard deviation
Employment agreement	78	56358.9744	34902.4768
Contract on volunteering	439	22134.1686	17351.5982

The results indicate to high workload of legal interns in terms of number of working hours (Table 9). As much as 40.4% of the respondents remained at their workplace after the end of working hours, versus only 16.1% of those who never worked after the end of working hours, whereas the rest of the respondents (43.5%) stayed after once a week to once a month. Only 13.1% of the legal interns stay at the workplace for a maximum of 8 hours, while the rest of respondents also worked overtime, whereby a high proportion of them reported having worked even 12 or more hours in a day (40.1%). Also, when it comes to the average duration of working hours, more than a half (52.1%) of legal interns reported a working day of 8 hours or less, whereby a high percentage of them reported the average working hours lasting from 9 (23%) to 10 hours (17.2%).

Table 9 Number of working hours

How often do you stay at work after the designated working hours?	%	How long did you stay at work?	%	How long does your average working day last?	%
Never	16.1	8 hours or less	13.1	8 hours or less	52.1
Once a month	10.8	9 hours	12.2	9 hours	23.0

⁵⁵ p<0.05.

How often do you stay at work after the designated working hours?	%	How long did you stay at work?	%	How long does your average working day last?	%
Several times a month	17.6	10 hours	22.2	10 hours	17.2
Once a week	15.1	11 hours	12.4	11 hours	4.4
Almost every day	40.4	12 or more hours	40.1	12 or more hours	3.3

The data on the frequency of performing private errands of principals and other attorneys working at the law office where the respondents were engaged as legal interns is especially surprising. More than one fifth of the respondents (22.4%) reported that they often performed private errands for the attorneys, while 46.8% of them sometimes perform such tasks, despite the norms of the Code of Ethics of Attorneys, which explicitly prohibits this.

Table 10 Performing private errands for the principal and other attorneys working at the law office

Do you perform private errands for the principal and other attorneys working at the law office?	%
Yes, often	22.4
Yes, sometimes	46.8
No, never	30.8

Table 11 shows Likert scale for satisfaction with different aspects of internship. Mean value of responses indicates the lowest degree of satisfaction with the amount of monthly remuneration and the amount of leisure time remaining after the end of working day, while mean values are almost one degree higher when it comes to satisfaction with relationship with the principal, interpersonal relations at the office and the amount of acquired knowledge.

Table 11 Likert scale on satisfaction with the internship

	Very unsatisfied	Unsatisfied	Neutral	Satisfied	Very satisfied	Mean value of responses
Earnings	38.7	21.5	22.2	12	5.6	2.24
Relationship with the principal	6.8	8.1	24.6	25.7	34.8	3.74
Interpersonal relationships	9.1	10.6	19.9	27.9	32.5	3.64

	Very unsatisfied	Unsatisfied	Neutral	Satisfied	Very satisfied	Mean value of responses
Acquired knowledge	5.2	10.4	27.7	33.1	23.6	3.59
Amount of leisure time	21.5	18	20.1	20.9	19.5	2.99

Table 12 shows the responses of respondents about the challenges they faced during their internship.

Table 12 Challenges during the internship

Challenges during the internship	%
Low monthly remuneration	69.9
Irregular monthly remuneration	10.3
Non-payment of contributions	27.6
Poor interpersonal relations	24.3
Unpaid overtime work	33.0
Denial of sick leave	7.2
Denial of vacation	15.7
Insufficient amount of acquired knowledge	31.3
Repetitive tasks	24.5
Disparagement	19.0
Sexual harassment	2.3
I have not faced any of the above	11.3

The respondents reported as the greatest challenge the low monthly remuneration (69.9%), unpaid overtime work (33%), insufficient amount of acquired knowledge (31.3%), non-payment of contributions (27.6%), poor interpersonal relations at the office (24.3%), and repetitive tasks (24.5%). One in five respondents (19%) encountered disparagement in the workplace, 15.7% reported denial of vacation, 7.2% denial of sick leave, while sexual harassment was reported by 2.3% of the respondents (females). Only 11.3% of surveyed legal interns stated they did not face any of the abovementioned challenges during their internship. The t-test did not indicate statistically significant differences between the group of legal

interns with an employment agreement and the group with a contract on volunteering, in terms of all the noted aspects of satisfaction with work engagement presented in the Table 11, as well as in terms of the challenges referred to in Table 12.

A quarter of the respondents (25.7%) responded affirmatively to the question “Have you ever experienced mobbing, any form of discrimination or abuse in the workplace?”. Despite the frequency of the issues that a great number of respondents faced, only 3.9% of them thought of reporting their principals to the bar association. Only one respondent (0.2%) acted on this idea. Given the widespread occurrence and frequency of different forms of labour rights violations during internship, as well as the absence of concrete steps towards their recognition and resolution, it is not surprising that only 6% of respondents believe that bar associations protect the interests of legal interns, and more than a half of the respondents stated their interests were not sufficiently protected (64.3%). The possibility of establishing a department of legal interns by bar associations was mentioned in the first part of this paper, but this institute is not common, it is indicated by the fact that 78.2% of respondents were not aware of the existence of such departments: only 14 of the respondents (2.7%) are the associated with the department of legal interns. More than two thirds of the respondents (76.8%) believe that legal interns should have a higher degree of participation in bar association bodies.

6. CONCLUSION

This research has confirmed the hypothesis on the spill over of stratification effect within legal profession to the position of legal interns. Statistically significant difference was found in the differentiation of legal interns according to the branch of law predominantly practiced by the law office where they interned, as well as according to the size of the office. As expected, the confirmed hypothesis was that legal interns who have an employment agreement also have a higher monthly remuneration than those with a contract on volunteering. However, it is necessary to emphasise that only 15.1% of the respondents had an employment agreement, and the median monthly remuneration for the entire sample was only RSD 24,000. Therefore, it is not surprising that a high share of legal interns was financially supported by their family or partners during their internship, or they had an additional job beside internship. These findings indirectly indicate the widespread trend of prolonging the legal intern's transition to adulthood.

On the other hand, the rejected hypothesis assumed that legal interns who signed the contract on volunteering would have a greater degree of dissatisfaction with working conditions compared to those who concluded an employment agreement with their principals. Nonetheless, the results reveal the presence of an equal degree of (dis)satisfaction with working conditions in both observed categories. The results also show an alarming level regarding violations of the legal interns' labour rights. Legal interns face various forms of exploitation, including unpaid overtime work, performing private errands for their principals and other attorneys at the law office (despite the explicit prohibition prescribed by the Code of Ethics for Attorneys) and different types of mobbing. Although the results indicate that systemic violations of the legal interns' labour rights have become normalised, they are reluctant to seek help from bar associations, since they do not perceive them as a reliable source for protecting their rights. While some bar associations prescribe the existence of a department of legal interns, its activities are not clearly defined, and it is not well publicized. Most respondents believe that legal interns should have a higher degree of participation in bar association bodies. All this together with the recognised challenges they face demand the institutionalisation of mechanisms for their participation.

In summary, the research results present yet another confirmation of the existing trend of erosion of labour rights, which particularly affects sensitive categories in the labour market, such as young people. The normative aspect of legal intern position, mainly the possibility of signing a volunteering contract, leads to their legal vulnerability reflected in the application of the provisions of the Law on Volunteering, instead of the Labour Law. Attempt to apply the Law on Volunteering to legal interns is characterised by numerous contradictions, and since the Legal Profession Act does not define in which cases the two types of contracts should be concluded, it is left to the principal's discretion to decide this matter, as a party with a disproportionate amount of power in the observed relationship (as evidenced from the data collected in this study). Principals opt for the volunteering contract, thus avoiding obligations arising from legal and labour relations and opening the space for exploitation of the legal intern's work. We conclude that the first step in improving the position of legal interns should be the amendment of existing relevant legal framework. This includes abolishing the category of volunteer legal interns, introducing the obligation of concluding an employment agreement between the legal intern and the principal, defining the internship training programme more precisely, and enabling legal interns to participate in bar associations, primarily with the aim of recognising and sanctioning violation of their labour rights.

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KOLIKO KOŠTA ADVOKATSKI PRIPRAVNIK?
O KARAKTERISTIKAMA OBAVLJANJA PRIPRAVNIČKOG
STAŽA U ADVOKATSKIM KANCELARIJAMA U SRBIJI

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APSTRAKT

Namera rada je da se prikaže položaj advokatskih pripravnika u Srbiji. U prvom delu rada dat je teorijski okvir istraživanja, kao i pregled normativnog položaja advokatskih pripravnika, dok su u drugom delu prikazani metodološki okvir istraživanja i analiza prikupljenih podataka na osnovu odgovora 517 ispitanika. Rezultati istraživanja potvrđuju hipotezu o prenošenju efekata raslojavanja unutar advokatske profesije kao posledice aktuelnih društveno-ekonomskih promena na položaj advokatskih pripravnika, pružajući i uvid u lična iskustva i izazove u vezi sa obavljanjem pripravničkog staža, te navode na preispitivanje pravne regulative kojom su definisani prava i obaveze advokatskih pripravnika.

Ključne reči: advokatska profesija, advokatski pripravnici, mladi, tržište rada.

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