



The University of Strathclyde Law Clinic

Annual Report 2003/4

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Background

Launched in October 2003, the University of Strathclyde Law Clinic seeks to provide free legal advice and representation to those in Glasgow and its environs who are unable to obtain such help through other means. The Clinic is intended to be complementary to existing legal services provided by lawyers and other agencies such as Citizens' Advice Bureaux. It therefore, does not act for anyone who can afford professional legal services, or who qualifies for legal aid; nor will it act in areas like debt advice where there are already adequate services provided.

As the very first university law clinic in Scotland, the Law Clinic builds upon a long tradition of clinical legal education in the US, and more recent practice in England, Wales, and in other Commonwealth countries where clinics are recognised for their value, not only to the community at large, but to each new generation of lawyers. While the Clinic's ethos prioritises the needs of the community for legal services and the interest of individual clients, it is also recognised that students can gain much by their involvement in clinic work in terms of developing legal skills, seeing law in its application, and reflecting on the ethics and justice of legal practice. Student advisers find their involvement in law clinics challenging, rewarding and useful in providing an invaluable insight into the workings of law. The Law Clinic provides a refreshing break from the increasingly competitive and commercial nature of legal practice and encourages young lawyers to adopt a more empathetic and grassroots perspective to their future careers.

Mode of Operation

The Clinic was set up and is overseen by its current Director, Professor Donald Nicolson, who has extensive experience in law clinic work, both as a student adviser and as the founder of the University of Bristol Law Clinic. The University of Strathclyde Law Clinic is run by a committee of student volunteers under his direction. This Executive Committee is responsible for the day to day management and policy making of the Clinic.

All advice and other assistance is provided by student volunteers, acting under the supervision of Professor Nicolson and two ex-practitioners, Ann Campbell and Kate Lavery, who also have considerable experience in law centre work. In 2003/4 there were 80 student advisers: 28 LLB students, 26 graduate entrant students, and 26 taking the Diploma in Legal Studies.

The student advisers are organised into four 'firms', each of which is headed by a Case Manager, who is responsible for allocating cases to students who work in pairs, unless the complicated nature of the case demands a larger team. Case Managers are also responsible for checking client files and the progress of cases.

No student can take on a case until they receive training. In the case of Diploma students who already receive intensive training in legal skills, such training merely involves orientation in the Clinic's unique procedures and ethos. All other students attend a two day training course on client interviewing, case management, legal aid, legal research and letter writing. Additional training is provided later in the year on Small Claims Court procedure.

No advice can be given to clients without it first being checked by Donald Nicolson, Ann Campbell or Kate Laverty. Additional specialised advice is also obtained from Law School academics and solicitors who have volunteered their services. The Law Clinic has its own insurance and all clients have to sign a disclaimer form which points out that the advice and assistance they will be given is from students who are not professionally qualified. A strict policy of confidentiality applies, and all client files are securely kept with access to them strictly limited. The Law Clinics applies, at a minimum, the same standards of ethics and professional conduct that apply in the Scottish legal professions.

Funding

The Law Clinic is funded by a mixture of Law School money and until 2005, by donations from two local law firms: Maclay, Murray and Spens, and MacRoberts (see Appendix 2, below).

The Law School provides the Law Clinic with free accommodation in an office which has been furnished with a photocopier, two computers, two telephones and a filing cabinet. It also provides the Clinic with lighting, heating, stationary and the cost of all telephone calls and postage, as well as administrative and secretarial help, and has funded the employment of Ann Campbell and Kate Laverty (at £75 each per week).

Out of the £4,255.32 raised by donations (£5,000 less VAT), the Law Clinic has purchased a kettle, fridge, answering machine, and shredder. This money was also used for employing a student to take on administrative tasks during the summer (£739.61), insurance (£380.21) and for various forms of entertainment associated with training and other events. Maclay, Murray and Spens, and MacRoberts have also contributed to student training by hosting one of the training days in their premises and providing solicitors to advise students on their interviewing skills.

Cases

Despite not yet mounting a publicity campaign, the Law Clinic has interviewed 84 clients in the course of its first year of activity. In addition to this, ten clients were referred on to more appropriate sources of assistance, in most cases a legal aid lawyer. Clients learnt about the Clinic from initial press publicity surrounding the Clinic's launch, referrals from other advice agencies and from leaflets distributed in the Small Claims Court.

Whilst our services have extended to litigation, particularly in the Small Claims Court, they predominantly involve advice, various forms of assistance such as making phone calls and writing letters on behalf of client, and negotiating claims on their behalf. The Law Clinic aims to provide a full package of services: we understand that legal problems are rarely isolated from other problems clients might have and are therefore committed to empower our clients by equipping them with knowledge and providing them with access to other relevant organisations which can address their related non-legal problems.

As can be seen from Appendix 1, the vast majority of cases have involved housing (21 cases or 25%) or consumer issues (17 cases or 20%). Other common areas have

been employment and neighbourhood disputes (9 and 6 respectively), with family law, copyright, personal injury, Council tax, succession and planning issues making up the rest of the cases. Of these cases, four have been argued in the Small Claims Court, and eight cases are currently making their way through this Court.

It is difficult to measure the success rate of the cases undertaken as some clients are able to resolve their problems following our advice, whereas other clients bring cases to the Clinic where there is no chance of success or indeed any legal solution. Nevertheless, leaving aside the fact such clients still obtain useful assistance in clarifying their situation, the Law Clinic has some notable successes in its first year. These include negotiating a £3,000 reduction in a Council tax bill, a reduction in rent, repayment of an illegally withheld deposit, payment of money owed on a lease and replacement plus compensation for an ill-fitting wedding dress. Perhaps our most successful case to date was where a client was paid £1,000 owed to him by a Trade Union despite having reduced the amount claimed to £750 in order to bring an action in the Small Claims Court.

The Coming Year

The main aim of this coming year will be to consolidate our current activities in a number of ways. First, we need to ensure that we have sufficient new members to replace those who have graduated, and here we already have more new recruits than leaving members. Secondly, we will train students in negotiation and advocacy, as well as the skills taught last year. Thirdly, we need to develop a corporate image through the design of a logo, the production of our own letter-headed paper and business cards, and development of a sophisticated web-site designed for both external and internal use. Depending on the balance between the number of incoming cases and available advisers, we may also need to advertise the Law Clinic. Finally, a Management Committee is currently being set up, comprising of local practitioners, members of other advice groups, a Sheriff and other relevant stakeholders, in order to advise the Clinic on its activities and future direction.

In addition to consolidation, the Law Clinic intends to prepare for a number of new developments, all of which will require major funding. One will be the establishment of a Law Clinic course for 2005/6. Currently, students participate on a purely voluntary basis without any formal recognition of their efforts. In addition, supervision of students is limited to that which is absolutely necessary for ensuring competent legal service to clients. A credit-bearing Law Clinic course will enable students to build upon their Clinic experience to further develop their legal and generic skills, as well as to reflect on the ethics and justice of legal practice. In revolving around real-life issues which arise naturally, and not artificially and abstractly, and in requiring students to take responsibility for their own learning experience, the course will reflect current developments in educational theory, which stresses the value of problem-based and student-centred learning. However, in order to be effective, it will be staff intensive, involving constant feedback on student activities rather than more traditional forms of teaching and feedback. Given that the Law School does not currently have the staff to support such intensive teaching, funding needs to be obtained to support a new staff member. To attract someone with appropriate practical experience, this will require funding in the region of £38,000 per annum.

This staff member will also be expected to take responsibility for all Law Clinic cases, which will increase dramatically if the second major future goal of the Clinic is achieved. This is to set up out-reach Clinics in various areas easily reached from Glasgow. Such Clinics will be run in the evenings by Clinic students along with the new member of staff and/or volunteer solicitors. Again, this will need additional funding to pay for travel, the hire of premises and publicity in the various localities.

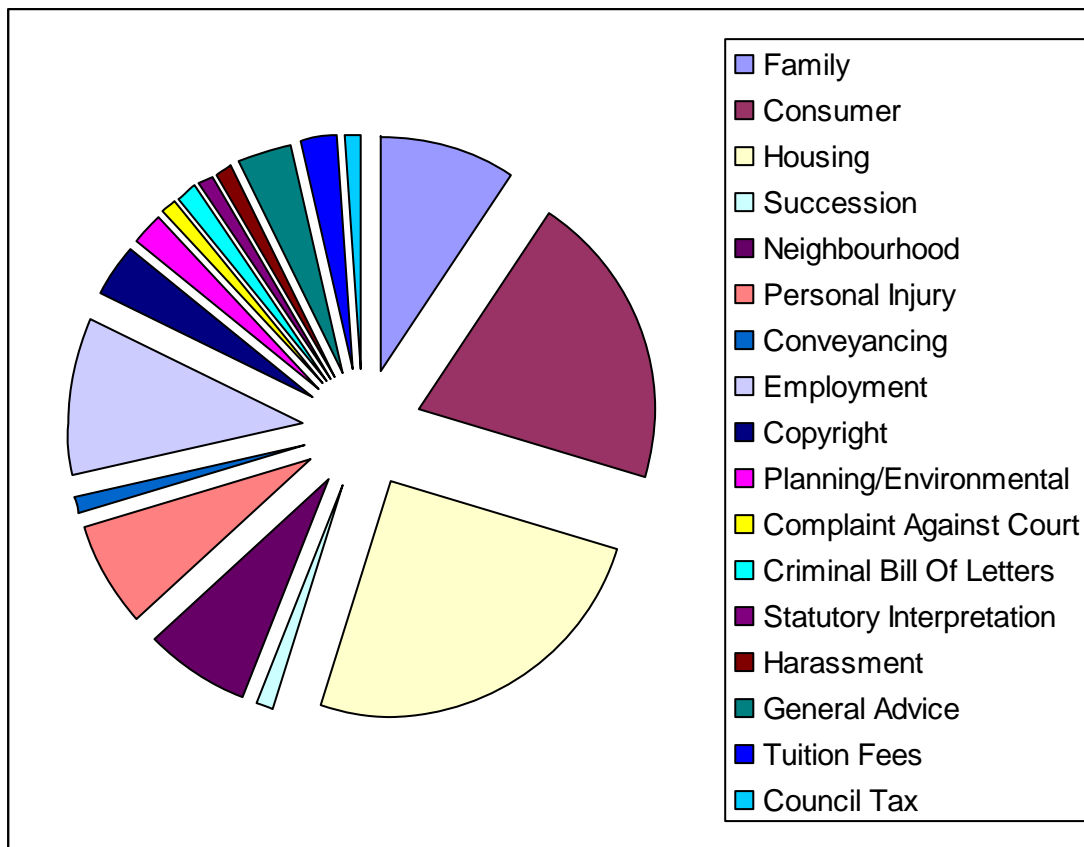
It is clear, therefore, that a major project for the coming year will involve the search for substantial funding. Without such funding, the Law Clinic will not be able to grow and build upon its undoubted successes.

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Appendix 1: Case Breakdown

Housing	21	Closed	33
Consumer	17	Referred	10
Employment	09	Active	41
Family	08		
Neighbourhood	06	<u>Total</u>	<u>84</u>
Personal Injury	06		
Copyright	03		
General Advice	03		
Planning/Environmental	02		
Tuition Fee Dispute	02		
Conveyancing	01		
Complaint against Court	01		
Council Tax Dispute	01		
Criminal Bill of Letters	01		
Harassment	01		
Statutory Interpretation	01		
Succession	01		



Appendix 2: Funding (Current and Proposed)

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Current Financial Situation as of 1st October 2004

Start Date of Project:	1st October 2003
Total Income:	£4,255.32
Total Spending:	£3,020.84
Savings	£1,204.48
Current funders	Maclay Murray and Spens Solicitors (£2.500 less VAT) MacRoberts Solicitors (£2.500 less VAT) Law School hidden costs – see below)

Financial Projections

Breakdown	Current	Estimated Annual Expenditure
Accommodation	(£0 – Law School 500)* – Law	£0 – LS
Lighting	School (LS)**	£0 – LS
Heating	£ 0 – Law School <u>Inc. in</u>	£0 – LS
Telephone	Accommodation	£750***
Postage	£ 0 – Law School <u>Inc. in</u>	£450***
Office Equipment	<u>Accommodation</u>	£200
IT Equipment	£ 0 – Law School <u>513.09</u> - LS	£1000
Photocopying	£280 per year LS	£150****
Stationary	£700 -LS	£300
Marketing/Publicity	£1000 - LS	£1000
Employing Staff	£100 - LS	£37,353
Travel	£200 - LS	£1000
Insurance	£250	£456.00
Petty Cash	£1,379.61	£1100
Events	£100	£500
	£380.21	
Total	£1100	£44,259
Estimate of future costs	£500	£45,000
Amount sought		£45,000
	£7,002.91	

- * Based on: 176 St Vincent Street, Beacon Building: 703ft square = £4495/calender mo; 169ft square = £695
20/23 Woodside Place, Charing Cross: 290ft square = £1200/mo; (2 person)
128ft square = £500/mo.
- ** All references to LS are to expenditure that the Law School has met and/or will continue to meet.
- *** Amounts based on an estimated 50% increase in activity.