

Annual Report 2004/5



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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 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 interests 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 being applied, and reflecting on the ethics and justice of legal practice. Student advisers find their work 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, while a Management Committee, made up of non-Clinic members from the University, legal profession and local community, oversees its work.

All advice and other assistance is provided by student volunteers, acting under the supervision of Professor Nicolson. In 2004/5, he was assisted by two ex-practitioners, Ann Campbell and Kate Laverty, who also have considerable experience in law centre work. In 2004/5 there were 112 student advisers (an increase of 32 over the previous year): 66 LLB students, 27 graduate entrant students, 17 taking the Diploma in Legal Studies, one ex-Diploma student taking a gap year and one from Glasgow Caledonian University.

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. With of Diploma students, who already receive intensive training in legal skills, such training is limited to 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. In 2004/5 additional training was provided later in the year on Small Claims Court procedure and advocacy, and further practice provided in letter writing.

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 Clinic applies, at a minimum, the same standards of ethics and professional conduct that apply to Scottish lawyers.

Funding and Expenditure

In 2004/5, the Law Clinic was funded by a mixture of Law School money and a £5,000 donation from the University Graduate Association.

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. It has funded the employment of Ann Campbell and Kate Laverty as supervisors (at £75 each per week), and the former also as an administrator responsible for fund raising (£150 a week).

From the money raised by donations, in 2004/5 the Law Clinic paid for the design of a logo (£400), its insurance policy (£214.68) and for the employment of a student (Jenny Wallace: £1,532.97) to ensure case coverage and to take on administrative tasks over the summer. This money was also used for various forms of entertainment associated with training and other events, travelling costs for students, office sundries, and for thank-you gifts to those who assist the Clinic.

See further, Appendix 2, below.

Cases

In 2004/5, the Law Clinic handled 84 cases – exactly the same number as in the previous year. However, while the range of cases was also very similar to the previous year, there was a noticeable increase in the number of cases which involved representation in the Small Claims Court or an Employment Tribunal.

The former clients largely heard about the Clinic from leaflets distributed in the Small Claims Court, whereas some of the latter were referred from the Glasgow Citizens'

Advice Bureau. Accompanying this change was an increase in the level of seriousness of the cases and the amounts of money in dispute.

However, whilst Clinic services have increasingly extended to litigation, particularly in the Small Claims Court, they still predominantly involve advice, various forms of assistance such as making phone calls and writing letters on behalf of the client, and negotiating claims on their behalf. The Law Clinic aims to provide a full package of services: it understands that legal problems are rarely isolated from other problems clients may have and is 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. It also refers cases on to lawyers or agencies better able to deal with clients, and where necessary accompanies the client to the new advisor to ensure that they understand the advice given and are comfortable with the new advisor. In 2004/5, 15 such referrals were made, 11 of which were made without an interview.

As can be seen from Appendix 1, the vast majority of cases have involved consumer issues (26 cases or 31%), housing/landlord and tenant (16 cases or 19%) and employment (11 cases or 13%), with delict and human rights attracting five cases each. The remaining cases have come from a wide spread of areas including criminal and company law. Of these cases, eight were successfully argued in the Small Claims Court (a 100% success rate!), and eight cases are currently making their way through this Court. Two cases are also currently being argued in an Employment Tribunal.

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 had some notable successes. These included a maximum award of £750 plus expenses in the Small Claims Court against a computing company which lost all the client's electronic data and damaged her computer's software, a decree for £547.99 purchase price plus £138.92 expenses for a client who was delivered a faulty bed, the repayment of £520.00 for an illegally withheld tenancy deposit, and the negotiation through ACAS of £380 for a dismissed employee. Perhaps the most successful (and complicated) case in 2004/5 involved a client who successfully sought £1,800 of unpaid rent from fellow tenants through a mixture of Small Claims proceedings and negotiation. Using monetary value as an indicator of success, the Clinic obtained (either through successful claims or successful defences of claims) a total of £6630.14 for its clients.

Other Activities

The Clinic's main aim for 2004/5 was to consolidate its advice and representation activities. To that end, additional practice in letter writing, Small Claims procedure and advocacy was provided. In addition, to ensure that the Clinic could cope with the increased level of activity required by more and more complicated cases, new advisors were recruited and trained at both the beginning and end of the academic year.

Further to this, in order to improve the Clinic's image, a logo design was commissioned, whilst internet and intranet website are close to completion and letter-headed paper and business cards have been ordered.

Perhaps the most important completed development in 2004/5 has been the establishment of a Management Committee, comprising local practitioners, members of other advice groups, a Sheriff and other relevant stakeholders, and existing in order to advise the Clinic on its activities and future direction. At its inaugural meeting on 24th February 2005 Professor Alan Paterson was elected as its chair. Other members are Richard Farquhar (solicitor), Rose Mary Harley (Graduate Association), Gwenneth James (Glasgow Central CAB), Frances McMenaman QC, Sheriff Ian Miller, Prof Donald Nicolson and Prof Kenneth Norrie.

Equally important, as regards the Clinic's long-term future, has been the work done by Ann Campbell in relation to funding. One minor source of funding, which could have been useful in order to ensure coverage of cases over the Summer, was access to the Scottish Executive's Project Scotland, which provides sponsorship of volunteer advisors. Unfortunately, however, the University's requirement of a 15% service charge and charging VAT at 17.5% helped up the finalisation of arrangements until it held was too late. Hopefully, the arrangement can be put into place for next Summer. More successful were negotiations with a consortium of Ayrshire advice agencies which are seeking funding in order to pay the Clinic up to £60,000 to take referrals of cases requiring advocacy and litigation, particularly in Employment Tribunals. In addition to this, Ann Campbell had preliminary discussions with other external funders and with fund-raisers within the University with the aim of obtaining major funding for the Clinic's future plans.

One such the plan is to establish a Law Clinic course. To this end, a group of three students (Bruce Anderson, Amanda Benstock and Adrienne Shepherd) undertook a research project into how best to deliver such a course. 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, requiring 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, funding in the region of £38,000 per annum will be required. At present it is expected that the course will commence in the 2006/7 academic year.

Future Plans

In addition to finalising the details and gaining the necessary University accreditation for the Law Clinic course, the main aim for 2005/6 will be to continue Ann Campbell's work on funding in order to have the resources to employ a staff member to teach and supervise cases and to fund other planned developments. The latter includes the development of out-reach Clinics in various areas easily accessed from Glasgow, as well as taking on more employment law referrals from other advice agencies in Glasgow, possibly using students taking Labour Law as well as regular Clinic students.

Thanks

As a voluntary organisation, the Law Clinic owes a huge debt of gratitude to a wide variety of people who have given their help and support to it. At the risk of forgetting some people, the Law Clinic would like to thank: Rose Mary Harley and the University Graduate Association for current financial support, and Maclay, Murray and Spens, and MacRoberts for previous financial support; Geraldine Smith for raising money through a sponsored run; Ann Campbell and Kate Laverty for their supervision, and Ann for her help in fund raising and training; Charles Hennessey, Paul Maharg and Sheriff Ian Miller for providing training sessions; Charles Hennessey and Gerry Kelly for continuing to provide invaluable advice on cases; the Management Committee for giving up their time and the benefit of their experience; Prof Kenneth Norrie for his strong support and encouragement of the Clinic; all academic and support staff who have provided advice or administrative help to the Clinic; and last, but by no means least, members of the Executive Committee, without whose dedication and conscientiousness the Clinic could not operate.

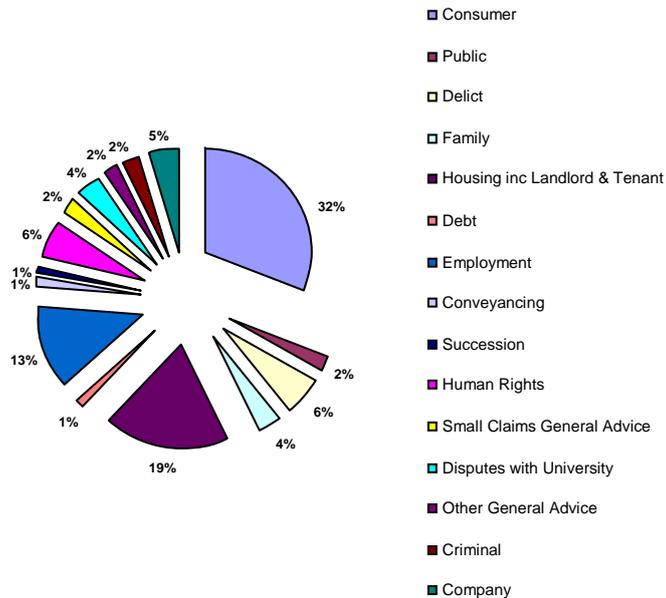
Professor Donald Nicolson
Director, University of Strathclyde Law Clinic

Appendix 1: Case Breakdown

Consumer	26
Public	2
Delict	5
Family	3
Housing inc Landlord & Tenant	16
Debt	1
Employment	11
Conveyancing	1
Succession	1
Human Rights	5
Small Claims General Advice	2
Disputes with University	3
Other General Advice	2
Criminal	2
Company	4

Closed 35
 Referred 4 (plus 11 additional referrals of prospective clients)
 Active 45

Total 84



Appendix 2: Financial Position

Overview

Income Carried Over	<u>£1,534.48</u>
Income Received	£5,320.00
Expenditure	£3,741.90
Savings as at 31/09/05	<u>£3,118.58</u>

Income

Graduate Association	£5,000.00
Sponsored Run	£300.00
Donation	£20.00
(Law School hidden costs)	
Total	<u>£5,320.00</u>

Expenditure

Logo Design	£400.00
Insurance	£214.68
Employing Staff	£302.50
Alice Morgan (2003/4 in arrears)	£1,532.97
Jenny Wallace	£32.56
Petty Cash	
Events	
Anniversary Party	£420.88
Fireworks Party	£257.99
Management Comm. Dinner	£184.65
Miscellaneous (Entertaining Guests, Gifts, travel)	£863.52
	£395.67
<u>Total</u>	<u>£3747.90</u>