

Annual Report 2005/2006



UNIVERSITY OF STRATHCLYDE
LAW CLINIC

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Director's Message

If the Law Clinic's first two years of operation were periods of consolidation, 2005/6 marked a period in which it took a number of important steps to expand to its services for the future, both in terms of the number and complexity of cases taken on. Thus increased funding from the Law School and money from the Faculty of Law, Arts and Social Sciences will allow for the employment of a lawyer to act as a part-time supervisor of cases in 2006/7. The secondment by the Law School of Linda Ion to act part-time as the Law Clinic supervisor will enable it to run more efficiently and her contacts with the legal profession will hopefully help in further fundraising. Other important developments were the establishment of a link with the Central Glasgow Citizens' Advice Bureau, involving referrals of Employment Tribunal cases, which will hopefully lead to funding for a joint project. In addition, a grant obtained from the Clark Foundation will help with the delivery of a clinical legal education course in 2006/7. Notable events during the year included the second year anniversary party, at which various prizes were awarded for the first time, the annual Bonfire at Helensburgh, and an article about the Clinic in the Law Society Journal, which has helped increase outside interest in and offers of assistance to the Clinic.

As in previous years, the success of the Clinic is largely due to the enthusiasm and commitment and abilities of its student advisors, who have acted highly professionally and displayed great skills in taking on far more cases than in previous year, arguing far more in court or employment tribunals and gaining far more for their clients. With the move into two spanking new offices in the Law School's new premises in the Lord Hope building, I have no doubt that the Clinic will have an even more successful year in 2006/7.

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 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 involvement in laws 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 2005/6 there were 133 student advisers (an increase of 21 over the previous year). Of these, 94 were LLB students, 10 graduate entrant students, and 29 were 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 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. Additional training was provided later in the year on employment tribunal cases and on Small Claims Court procedure and advocacy.

No advice can be given to clients without it first being checked by Professor Nicolson. 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 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 to Scottish lawyers.

Funding and Expenditure

In 2005/6, 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 accommodation and office equipment. In the Summer the Law Clinic was allocated two offices in the new Lord Hope Law School site. It also provides the Clinic with lighting, heating, stationary and the cost of all telephone calls and postage. From October 2005 to June 2006 the Law School paid the salary of Aimée Asante who acted as an administrator, case manager and funding developer for the Clinic. From July 2006, she was replaced by Linda Ion, a

longstanding Law School administrator who has close links with the legal profession, and who will now work part-time as the Law Clinic Administrator.

Out of the money donated by the Graduate Association, the Law Clinic paid for its insurance policy (£399.22), prizes for students (£106.38), travelling costs for students, office sundries, thank-you gifts and dinners for those who assist the Clinic (£171.80), and primarily for various forms of entertainment associated with training, fundraising and building Clinic morale (£539.29).

See further, Appendix 2, below.

Cases

In 2005/6, the Law Clinic handled 140 cases – an increase of 56 (or 167%) on the previous year. Once again there was an increase in the number of cases which involved representation in the Small Claims Court or an Employment Tribunal. The majority of the latter were due to the referral of at least one case per week from the Glasgow Central Citizens' Advice Bureau, whereas the former largely heard about the Clinic from leaflets distributed in the Small Claims Court or were referred directly by the Sheriffs.

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 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 might have and is therefore committed, where appropriate, to empower its clients by equipping them with the knowledge to help themselves 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 equipped to deal with clients, and if necessary accompanies the client to the new advisor to ensure that they understand the advice given and are comfortable with the new advisor. In 2005/6, approximately 11 such referrals were made – with 4 of these made without an interview.

As can be seen from Appendix 1, the vast majority of cases involved either consumer issues (39 cases or 28%) or employment cases (32 cases or 23%). Housing/Landlord and Tenant cases continue to be popular with the Clinic (19 cases or 14%) whilst about 7% of all cases involved general advice, usually on how to conduct cases in the Small Claims Court. The remaining cases have come from a wide spread of areas including delict, criminal and family law. Of these cases, a number of them were argued in the Small Claims Court, with further cases making their way through this Court. Similarly, a large portion of Employment cases were argued in an Employment Tribunal, many successfully, with further cases making their way through this system.

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 woman who obtained substantial damages for dental treatment after biting a pin in a sandwich purchased from a popular bakery; a client who obtained compensation for the faulty fitting of a bathroom; the driver of a car who obtained compensation for the writing off of his car following the passenger driving the steering wheel; a learner driver who successfully defended a claim (by an Edinburgh solicitor) for causing damaging while reversing his car. However, it was in the area of employment cases that the Clinic has achieved its most impressive results. To take just two examples, one student successfully obtained amounts of a total of £2040 for three of her clients, and another a total of £3195.25 for five of his clients. Due in no small part to these two students, the Clinic managed to obtain for its clients in the last six months almost as much it obtained over the course of the whole of last year (£6630.14), contributing to a total exceeding £16,300 obtained for its clients either through successful claims or successful defences of claims since its inception.

Other Activities

The Clinic's main aim for 2005/6 was to seek the funding necessary to both enable it to keep up with the constantly increasing number and complexity of cases, and to enable it to pursue plans to enable it to meet remaining legal need in Glasgow and beyond.

Partly to this end, Aimée Asante, a Law School graduate and Clinic Case Manager, was employed to work part-time in the Law Clinic. With her help a number of documents were written aimed at potential funders and an article was written for the Law Society Journal, which appeared in August (volume 51, no. 8). Successful applications for funds were made to the Graduate Association, the Clark Foundation and the Faculty of Law, Arts and Social Sciences. In addition the Law School agreed to make a one-off payment to the Law Clinic. Currently, discussions are being held with two large law firms with the aim of obtaining both financial assistance and support as regards training and case handling.

In addition to the normal induction training, two additional training events were held. The first related to employment tribunal cases and was conducted by Effie Shaw of Central Glasgow Citizens' Advice Bureau, and the second was on Claims Court procedure and advocacy. Here, Sheriff Ian Miller played himself in a mock trial and provided students with useful tips on advocacy. In the Summer work began, under the guidance of Charles Hennessey, to film both sessions and create two training DVDs containing relevant background information and interactive training session for students to use whenever they have relevant cases.

The Management Committee, which comprises of local practitioners, members of other advice groups, Sheriff Miller and other relevant stakeholders, met on 21st February 2006 to discuss Clinic developments and offer advice on future plans.

The work done by a group of students in establishing a Law Clinic course bore fruit in the Spring when the University approved the proposed Clinical Legal Practice course to run twice a year at both ordinary and honours level. This 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. A donation from the Clark Foundation was secured to provide research help with setting

reading lists, paying Charles Hennessey to teach on the course and for equipment and library resources to support teaching.

Finally, a number of social events were held, starting with the Clinic's second anniversary party in October. At this event, prizes were awarded to the best Clinic student of the year (Adrienne Shepherd, with Jenny Wallace retrospectively gaining the award for 2003/4), case success of the year (Aimée Asante and Angus Gillies for complicated litigation against a number of joint tenants) and the Law Clinic Ducks (Gavin Dewar for almost wiping out all Law Clinic members with his firework display). A bonfire night was also held at Helensburgh where Gavin again attempted to decimate the membership and finally a Christmas meal was held for the outgoing Executive Committee.

Future Plans

With a part-time Administrator and Supervisor in place, the Clinic intends to expand its services in two major ways. The fact that the Law Clinic has attracted an increasing number of cases without advertising suggests that there remains much untapped legal need in Glasgow and its environs. To more effectively meet this need, the Law Clinic is seeking to set up drop-in clinics in the evening to supplement interviews organised during the day time. In addition, research suggests that unmet legal need is worse in areas like those outwith Glasgow, which at least has other legal advice agencies. Consequently, the Clinic is aiming to set up outreach clinics in various towns within a reasonable (ie around 2 hours) train journey from Glasgow. The aim would be to find a local town or church hall where two students and a volunteer lawyer could set up a clinic on a monthly basis. Because of the presence of the lawyer, initial advice could be given immediately (unlike the current position) and any follow up work can be done from Glasgow, apart from occasional court appearances.

Other plans include working on a joint bid with Central Glasgow Citizens' Advice Bureau for major funding to support a joint project.

From an internal perspective, the advent of an Administrator and a Supervisor means that the Executive Committee can be reduced in size. However, in order to ensure greater transparency, accountability and democracy within the Clinic, which in turn should help foster the Clinic's esprit d' corps, a fully elected Advisory Committee will be set up to decide on policy direction, difficult decisions about client selection and to oversee the activities of the Executive Committee.

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. At the risk of forgetting some people, the Clinic would like to thank: Rose Mary Harley and the University Graduate Association for its continued financial support; the Law School and the Faculty of Law, Arts and Social Sciences for providing additional financial support; the Clark Foundation for a grant to support the Clinical Legal Practice course; Charles Hennessey, Effie Shaw and Sheriff Ian Miller for providing training sessions; Charles Hennessey, Gerry Kelly and Frances McCartney for providing invaluable advice on

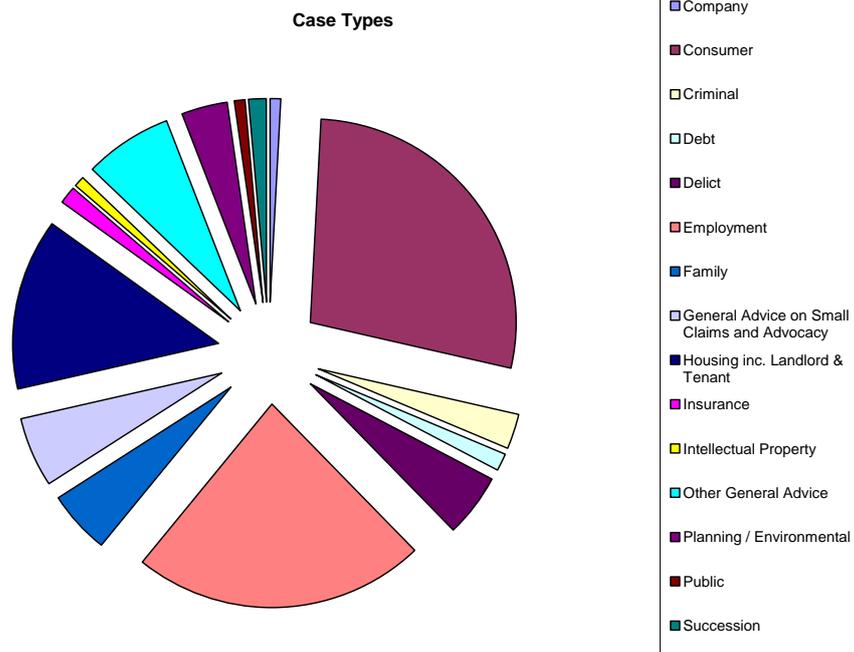
cases; Frances McMenamin QC and the Faculty of Advocates Free Legal Services Unit for offering pro bono assistance; the Management Committee for giving up their time and the benefit of their experience; Professors Kenneth Norrie and Alan Paterson for their strong support and encouragement of the Clinic; 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

Cases handled by the Law Clinic in 2005/6

Company	1
Consumer	39
Criminal	4
Debt	2
Delict	7
Employment	32
Family	7
General Advice on Small Claims and Advocacy	8
Housing inc. Landlord & Tenant	19
Insurance	2
Intellectual Property	1
Other General Advice	10
Planning / Environmental	5
Public	1
Succession	2
Total	140



Appendix 2: Financial Position

Overview

Balance Brought Forward 2004-2005	£2,329.10
Income	£26,250.00 ¹
Expenditure	£1,901.64
Balance as at 30/9/06	£26,677.46

Income

The Law School	£15,000
The Clark Foundation	£6,250
Graduates Association	£5,000
Total	£26,250.00

Expenditure

Insurance	£399.22
Staff ²	
Jennifer Wallace	£185.37
Petty Cash	£223.23
Expenses re Minibus	£225.00
Training Day Catering	£82.25
Purchase of Books for Law Clinic	£127.14
Audio Visual	£64.00
Office Equipment	£85.16
Law Clinic Prizes	£106.38
Law Clinic Party	£232.09
Miscellaneous (Entertaining Guests, etc.)	£171.80
Total	£1,901.64

¹ £10,000 is still to be received from the Faculty of Law, Arts and Social Sciences.

² Wages (approximately £5,000) for student assistance over the Summer have not yet been paid.