

# Annual Report 2006/7



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## Director's Message

Whilst 2006/7 saw the Clinic achieve its greatest successes than ever before in assisting clients, the year is most notable for the huge steps taken to transform the Law Clinic from a largely student-run organisation, coping on a very small budget and dealing with a relatively small client base from the premises of the Law School. Building on important developments last year, the Clinic took a number of important steps to develop itself into an institution which will soon play a central part in the delivery of legal services in Glasgow and its environs.

Thus increased funding from the Law School allowed for the employment of Kate Laverty as a part-time supervisor of cases in 2006/7, while the secondment by the Law School of Linda Ion to act as the Clinic's part-time Administrator led to links being developed with two law firms, while a third firm was also successfully approached for money. Combined with money from the Faculty of Arts and Social Sciences and the continued support of the University's Graduate Association, the Law Clinic will be able to maintain its current levels of support, renew Kate Laverty's contract, while also employing another solicitor to act as both a supervisor and fundraiser. Money from the Alumni Association was also extremely useful in paying for two students to research the setting up of outreach clinics designed to take the Clinic's services to those most in need in Glasgow.

One possibly far-reaching change to the nature of the Clinic was the introduction of the Clinical Legal Practice Course which provides student with academic credit for the cases they take on, thus rewarding them for their conscientious commitment to clients. In future years, it is envisaged that the Clinic will be used far more as a teaching and assessment tool, thus making the Clinic even more central to Law School activities.

This year also saw a continuation of the development of useful referral relationships with other organisations and the exploration of possible partnerships to apply for funding for joint projects. We also saw favourable publicity in the form of articles in *The Firm* (<http://www.firmmagazine.com/members/feature.php?id=315>), and the Law School's *Bulletin* ([http://www.law.strath.ac.uk/bulletin12\\_06.pdf](http://www.law.strath.ac.uk/bulletin12_06.pdf)) and being featured on the home pages of the University ([http://www.strath.ac.uk/system/whatsyourthing/story3/rc/name\\_46689\\_en.html](http://www.strath.ac.uk/system/whatsyourthing/story3/rc/name_46689_en.html)), the Law School (<http://www.law.strath.ac.uk/>), and for a while that of Tods Murray (administrators of the Clark Foundation which helped fund the Clinical Legal Practice Course). I also wrote articles about the Clinic in the UK Centre for Legal Education's *Directions in Legal Education* (<http://www.ukcle.ac.uk/directions/index.html>) and in a special issue of SCOLAG. University recognition of the Clinic can also be seen in its decision to nominate it for a Times Higher Education Supplement award.

Clinic activities were not a matter of all work and no play. We had a very well attended third anniversary party to launch our new premises, as well as a dinner for last year's committee, and a number of other outings designed to encourage camaraderie and reward the students for their hard work.

As in previous years, the success of the Clinic is largely due to the enthusiasm, commitment and abilities of its student advisors, who continue to show remarkable skill and confidence in representing their clients and devotion beyond the call of duty in helping to run the Clinic. With the recent expansion in staff numbers, growing support from the local legal community and increased funding, I have no doubt that the Clinic will be able to provide even more assistance to those in need of legal services.

### 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 (and still the only) university law clinic in Scotland, the Law Clinic builds upon a long tradition of clinical legal education in the United States, 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 advisors find their involvement in laws clinics challenging, rewarding and useful in providing an invaluable insight into the actual operation 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 on 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 advisor 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, half of whom are appointed and half elected. Along with its Administrator, these students are 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.

Up until June 2007, all advice and other assistance was provided by student volunteers, acting under the supervision of the Director, Kate Laverty, and Cheryl Osborne, an experienced solicitor who has volunteered her assistance for one afternoon a week. In 2006/7 there were 103 student advisors (a decrease of 30 on previous years), ranging from first year students to those taking the Diploma in Legal Studies and even two part-time students. The student advisors are organised into six 'firms', each of which is headed by a Case Manager, who acts as a mentor to firm

members, assisting them with their cases and helping to resolve any problems they might have in carrying out their Clinic duties. In assisting clients, students work in pairs, unless the complicated nature of the case demands a larger team. From June 2007, the students were joined by volunteers from DLA Piper, who are paired with student advisors to work on cases and are supervised in the normal way. From October 2007, solicitors from McGrigors will also play this role.

No advisor can take on a case until they receive training. In the case of Diploma students, who already receive intensive training in legal skills, and volunteer solicitors, who may also have years of experience, 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 Small Claims enforcement procedures by two Sheriff Officers, Christopher Bell and Angus McKinnon from George Walker and Sons, on how to enforce court judgements – a perennial problem for the Clinic – and on the role of empathy in dealing with clients by Margaret Gilroy, an experienced teacher of counselling skills. In addition, students were able to benefit from free places at many of the sessions on various aspects of substantive law and procedure run by the Legal Services Agency.

No advice can be given to clients without it first being checked by the Director or one of the two supervisors. 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 to Scottish lawyers.

### Funding and Expenditure

In 2006/7, the Law Clinic was funded by a variety of sources. As in previous years, the vast bulk of funding comes from the Law School in terms of the salaries of the Director and Administrator, the costs associated with accommodation the Clinic in the Law School, and miscellaneous expenditure on items such as photocopying, telephone phone calls and postage. For the third year running a £5,000 donation was received from the University Graduate Association, which is largely used for employing students through the Summer, entertaining guests to the Clinic, its insurance policy, prizes for students, travelling costs, office sundries, thank-you gifts and dinners for those who assist the Clinic, as well as other form of entertainment associated with training, fundraising and building Clinic morale.

In 2006/7 these amounts were supplemented by two one-off donations. The Alumni Association donated £4,000 for the purpose of setting up outreach and drop clinics, and this was used to pay for two additional students to work through the Summer. Secondly, £6,250 was received from the Clark Foundation, and this was used to pay for teaching and teaching materials development by Charles Hennessy.

Fortunately, the Law Clinic has built up substantial reserves, as this year has seen far greater expenditure than ever before because of the employment of a case supervisor. While these reserves have been largely depleted, donations of £10,000 each by McGrigors and the Faculty of Law Arts and Social Sciences, and of £5,000 each by DLA Piper and Pinsent Masons, will allow her re-employment and the employment of an additional supervisor.

See further, Appendix 2, below.

### Cases

In 2005/6, the Law Clinic handled 95 cases despite its continued policy of not advertising. Although this was a decrease on the previous year, this was a result of a policy of seeking to be more effective in screening out cases with little chance of success. That this policy was successful is suggested by the fact that during the course of the year a total of £9,470.94 was obtained for clients either by seeking compensation or defending claims against clients, compared to a total of just over £16,000 in its first three years of operation. While five of cases were argued in the Small Claims Court and five in the Employment Tribunal, assistance to clients continued to predominantly involve advice and various forms of assistance such as making phone calls, writing letters and negotiating claims on behalf of clients.

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 to lawyers or agencies better equipped 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 2005/6, approximately six such referrals were made (five to solicitors and one to the Free Legal Services Unit).

As can be seen from Appendix 1, the vast majority of cases involved employment law (29 or 31%), housing law (21 cases or 22%) or consumer law (18 cases or 19%). For the first time, employment and housing cases outstripped consumer cases, possibly because of the steady stream of cases referred by Central Glasgow Citizens' Advice Bureau and Shelter, respectively. Apart from these areas the only other notable type of cases involved planning and property (four each).

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 include:

- Obtaining, within three hours of taking the case, the withdrawal of imminent legal proceedings for over a £1000 against a retired couple after their solicitors, who had the case since 1996, but had declined to act further without payment of a substantial sum of money in advance;

- Obtaining over £600 and an apology from an insurance company for a University cleaner who had been refused an insurance claim for the cancellation of a holiday due to the death of her elderly brother on the grounds that he had suffered a stroke ten years previously;
- Ensuring that the eviction of an overseas student by a mortgage company due to the landlord's non-payment of mortgage payments was postponed and that she was able to remain in the property rent-free until after her examinations.

However, it was in the area of employment cases that the Clinic has achieved its most impressive results, with the £3,200 obtained for a client in a sex discrimination case being the most successful result (at least in financial terms) for the Clinic to date.

### Other Activities

As in the previous year, the Clinic's main aim for 2006/7 was to seek the funding necessary to enable it to both keep up with the constantly increasing number and complexity of cases, and to pursue plans to enable it to meet remaining legal need in Glasgow and beyond, through outreach clinics. In this regard, the Law Clinic has been extremely successful. As noted above, money has been raised from three law firms and from the Faculty which will pay for the necessary supervisory staff.

The other major activity of the Clinic was to explore the need for and the possibility of setting up and funding outreach clinics throughout Glasgow and perhaps even further afield. This activity was pursued by two students working over the summer who wrote to all other advice agencies and law centres. As a result, useful meetings were held with a number of other agencies and the areas of North and East Glasgow were identified as most in need, while a variety of other agencies have expressed their urgent desire for the Law Clinic to take over many of their cases in areas like employment and consumer law. Funding was also identified for the purpose of running a pilot outreach scheme.

Work also continued on completing a DVD to train students in Smalls Claims procedures and advocacy, the highlight of which was a mock trial scripted by Charles Hennessy and acted out by the students.

The Law Clinic saw a steady stream of visitors wanting to know more about it and seeking to establish referral links. Thus formal links were established with Planning Aid, Shelter and the Faculty of Advocates' Free Legal Services Unit, adding to the existing links with Central Glasgow Citizens' Advice Bureau and the Legal Services Agency.

Related to training, but going far beyond what is currently offered to students and what they indirectly gain from involvement in Clinic cases is the new Clinical Legal Practice course, which ran for the first time this year. The course is open to both Honours and Ordinary Degree students who have at least a year's experience in the Clinic and undertaken at least two cases. The aim is to reward students for their past voluntary commitment to clients by helping them to further develop their legal skills and to reflect on the ethics and justice of law and legal practice in a way which will prepare them for practice. Based on student evaluations, academic marks and the comments of the external advisor, as well as the views of the teachers involved

(Donald Nicolson and Charles Hennessy), the course was a tremendous success. Indeed, it has inspired plans for the merging of induction training with first year courses and the eventual establishment of a Clinical LLB, whereby students are partly assessed on their clinical cases relevant to the subjects they take.

As in previous years, the Management Committee, which comprises of local practitioners, members of other advice groups, Sheriff Miller and other relevant stakeholders, met in February 2007 to discuss Clinic developments and offer advice on future plans. This successful meeting was followed by dinner afterwards. Internally, the management of the Clinic saw an important development in terms of increased democracy, accountability and hopefully also in increasing the advisors' sense of 'ownership' of the Clinic. Thus a fully appointed Executive Committee, which continued to take responsibility for the day to day running of the Clinic, was augmented by an elected Advisory Committee, responsible for policy making, difficult decisions about client selection and to oversee the activities of the Executive Committee. The latter Committee met fortnightly, while both Committees met jointly to decide major issues.

Last but not least, a number of social events were held, starting with our third anniversary party in October, which was also used to launch the new Law Clinic offices right at the heart of the new Law School premises in the Lord Hope building. The Launch was attended, amongst others, by the Sheriff Principal, James Taylor and the University Principal, Professor Andrew Hamnett. At this event, prizes were awarded to the best Clinic student of the year (Aidan West), case success of the year (Lucy Gilmour and Susie Henderson for their work in challenging the attempt to reduce public access to Glenconnor Park) and the Law Clinic Ducks (to Donald Nicolson for providing so much incorrect information to the Newsletter editors, Alison Fotheringham and Avril Tennant, for doing such a good job notwithstanding). Other events included an AGM in October, a fireworks night at Glasgow Green in November, a meal for the outgoing Executive Committee and Christmas drinks in December, an EGM to elect additional Advisory Committee members in January, and finally a ten-pin bowling outing for those working in the Clinic.

### **Future Plans**

The coming year will require more organisational work than at any time since the Clinic was first established. The primary aim is to establish a fully operational outreach clinic, probably in North Glasgow, with the structure in place to support further outreach clinics, possibly in East Glasgow and perhaps also Greenock, as well as meeting the referral demands of other agencies. Some of the necessary requirements to achieve this are already in place, such as the appointment of an additional case supervisor and the allocation of an additional office as a work space for the student advisors. However a number of other developments are required.

The first is to finalise plans and obtain funding for a pilot scheme. Discussions are already underway with Sunnyslaw Advice Centre and other advice agencies in North Glasgow, which have offered premises for outreach clinics. While there remains some money from the Alumni Association to support such a clinic in terms of advertising and student transport, much more is needed to ensure that it can operate for longer

than a few months. To this end, the Clinic will be targeting funders who support pilot schemes.

The second is to increase the number of advisors working in the Clinic. In any one year, the Clinic usually has a membership of between a 100-130 student advisors. However, they are only just able to cope with the current client levels, not least because a large tranche leave every year in April once the Diploma ends and new recruits only commence case work in February. This year the Clinic will seek to recruit a large number of students. However, there are a finite number of students willing to join and who are suited to the demands of clinic participation. Consequently the Clinic intends to build upon the positive experience of having solicitors from its law firm sponsors working alongside the students and recruit other solicitors, particularly ex-Clinic members, to join as associate members and provide advice and possibly also assistance in the evenings. A number have already expressed an interest, but a major recruitment drive will be mounted to seek to match every student advisor with a qualified solicitor.

However, it is funding that is the most of important of the three essential requirements for Law Clinic expansion. Without significant and longer-term funding, the Clinic cannot commit to running outreach clinics and taking on the many cases that other agencies would like to refer to the Clinic. Any increase in cases requires additional supervision and funding is needed to be able to guarantee the salary of the equivalent of at least one, but arguably more than one, full-time supervisor. In order to guarantee court representation, especially in courts other than the Small Claims Court, it is important that at least one of these supervisors has a practising certificate. Not only must this be paid, but employing a practising solicitor will vastly increase insurance costs. In addition, payment may be required for premises, and certainly to advertise outreach clinics and to pay for the transport costs of advisors. While it is hoped that the law firms currently sponsoring the Clinic will continue to do so, this cannot be guaranteed and in any event will cover only a fraction of the expected costs. Consequently, for next year, the Clinic requires to raise something in the region of £60,000, even if only one or two outreach clinics are established. Possible sources of such funding which will be pursued involve funding applications to local and central government, made in partnership with other advice providers, and Lottery and other major funders, and possibly also direct applications to government.

The other major project which will be pursued during the course of next year will be the establishment of a Clinical LLB to be running from 2008/9.

## **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 its continued financial support; McGrigors, DLA Piper and Pinsent Masons for donations to the Law Clinic; the Law School and the Faculty of Law, Arts and Social Sciences for providing additional financial support; Cheryl Osborne for supervising students and helping with case management; Charles Hennessy, Margaret Gilroy, Christopher Bell and Angus McKinnon for providing training sessions; the Legal Services Agency for providing free spaces for students on

their training courses; Charles Hennessy, Gerry Kelly and Frances McCartney for providing invaluable advice on cases; Jill Long and Liz-Anne Campbell for advice on fundraising, Frances McMenemy 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, Alan Paterson and more recently the new Head of Department, Mark Poustie, 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 and Advisory Committees, Linda Ion and Kate Laverty, 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 Clinic in 2006/7

Employment	29
Property	4
Consumer	18
Planning	4
Housing	21
Personal Injury	3
Miscellaneous	7
Environmental	2
Criminal	2
Company	1
Insurance	1
Delict	2
Copyright	1
<b>Total</b>	<b>95</b>



