

**Annual Report & Finances  
2007-2008**



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## Director's Message

As I write this, the Law Clinic has just completed its first five years of operation. In this period it has exceeded my wildest dreams in terms of the number and quality of students involved, the number of clients it has helped, and the successes it has achieved on their behalf. Thus over these five years, the Clinic has taken on over 250 student advisors and represented almost 500 clients. Increasingly, representation has involved students appearing in the Small Claims Court or Employment Tribunals, usually successfully.

This year the Clinic was particularly successful both in attracting a record number of students, taking on more cases than before and more than doubling in one year the amount of money gained from clients in its previous four years put together. This was no doubt partly down to the fact that it now has two part-time solicitors and a part-time administrator compared to its early years when the Clinic was run only by myself and the students themselves. The Clinic's success can also be seen in some important developments such as the piloting of an outreach clinic in the evenings in Sunnyside Advice Centre, the undertaking of law reform work alongside Thompsons solicitors and the proactive provision of advice to vulnerable groups facing common housing problems. This in turn was helped by attracting important funding from three law firms (McGrigors, DLA Piper and Pinsent Masons), from the University's Alumni Fund and from its Knowledge Exchange Fund to add to the long-standing support from the University's Graduate Association. If this level of support and student commitment, the Law Clinic will continue to play an increasingly central part in the delivery of legal services in Glasgow and its environs.

This role has been reflected in the continuing favourable publicity the Clinic has received in the national and local press. The Clinic featured in a BBC Radio Scotland programme on access to justice in January, at least three articles in *The Herald*, and in the Law School's 2008 *Bulletin* (<http://www.law.strath.ac.uk/alumni>). The Clinic also received publicity from a *Sunday Post* article on the award of an honorary PhD to Effie Shaw of Central Glasgow Citizens' Advice Bureau who was nominated by the Law Clinic, partly for her work with it on employment law cases and the *Times Higher Education Supplement* which published an article on the 'Life Changers' award I received from the University and College Union for my role in fostering student development in the Clinic (<http://www.timeshighereducation.co.uk/story.asp?sectioncode=26&storycode=401934>). Given that this award and the success of the Clinic would be impossible without 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, I thought it appropriate to use my prize to set up a fund to assist in the further training of students. Without these students, and the many other people who have recognised the importance of universities putting something back into their, the Clinic would not be where it is today - an important part of the provision of access to justice in Scotland.

Professor Donald Nicolson  
Director, University of Strathclyde Law Clinic

## 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. It is run by two committees of student volunteers under his direction. The Executive Committee is made up of appointed students who are responsible for the day to day running of the Clinic and the Advisory Committee is made of elected students responsible for policy development and representing the views of all members. Finally, a Management Committee, made up of non-Clinic members from the University, legal profession and local community, oversees both Committees and provides advice on Clinic direction.

Originally, all advice and other assistance were provided by student volunteers, acting under the supervision of the Director, but in 2006/7 Kate Laverty was employed on a part-time basis to supervise students, and she was assisted by Cheryl Osborne on a voluntary basis. In 2007/8 they were joined by Annabell Fowles who was also employed on a part-time basis and by Gillian Mawdsly who offers her services voluntarily. This year there was a record total of 160 advisors (an increase of 57 on previous years), ranging from first year students to those taking the Diploma in Legal Studies and even a few 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 and McGrigors who worked alongside the students on cases.

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 training course over four afternoons on client interviewing, case management, legal research and letter writing. Additional training was provided in the year on advocacy by the Faculty of Advocates and by Mike Jones QC, on Employment Tribunal procedure by McGrigors and Ian McPherson, an Employment Tribunal judge, on mediation by Charlie Irvine, on small claims by Barry Berlow-Jackson, a student advisor and, as in previous years, on empathy and body language by Margaret Gilroy. 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 one of the employed or voluntary supervisors or, in an emergency, by the Director. 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 2007/8, the Law Clinic received more funding than ever before – a massive £62,702.94. 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 fourth year running the Law Clinic received a donation from the University Graduate Association and for the second year in a row from the Alumni Association. The former kindly increased its donation to £5,000 and the latter to £5,000. £10,000 was also provided as a one-off donation to the Clinic by the Faculty of Law Arts and Social Sciences to partly fund the post of Annabell Fowles, who in addition to supervising cases was responsible for fund-raising. This proved a very effective investment as, thus far, she has raised £19,500 from the University's Knowledge Exchange Fund and was also responsible for the successful bid to the Alumni Association. Important sources of funding were also obtained from three law firms: £10,000 by McGrigors and £5,000 each by DLA Piper and Pinsent Masons. Finally, the Law Clinic, through the assistance of Rose Mary Harley and the Alumni Association, has begun to attract smaller but very useful donations from individuals wanting to support the Clinic. Unfortunately, however, two more major bids for funding were unsuccessful.

As can be seen from Appendix 2, the bulk of expenditure has been devoted to the salaries of the two supervisors and to paying students to keep the Clinic running over the Summer (£42,432.35 out of a total spend of £47,743.79). This year we also spent a

sizeable amount of money to support out expanded training programme (£911.07). Apart from this, the rest of expenditure went on our insurance policy, prizes for students, travelling costs, office sundries, thank-you gifts and books for our growing library.

Despite these expenses, the Law Clinic ends the year in a healthy surplus of around £16,364.18, though given the current economic climate this is perhaps all to the good as it may not be as easy to attract funding and investment in the coming year.

## Cases

In 2007/8 the Law Clinic handled 106 cases despite its continued policy of not advertising. This was an increase of 11 cases on the previous year, notwithstanding our continued policy screening out cases with little chance of success. However, the biggest change between the two years relates to the level of success of cases, at least if one judges this in financial terms. In this year, a number of long-standing employment cases were completed. In one of these alone, the Law Clinic helped a client research and argue a sex discrimination case in an Employment Tribunal which ultimately led to a settlement in the region of over £40,000 (exact details embargoed because of a confidentiality clause). In the second biggest financial settlement obtained in 2007/8, students obtained £6,250 for a client who has made redundant while pregnant – itself £3,000 more than our previous largest success.

Clearly, the Law Clinic is becoming increasingly able to take on substantial claims. This can also be seen in the increasing number of cases being argued in the Small Claims Court and the Employment Tribunal. In one notable case in the Small Claims Court, student advisors were able to draw on House of Lords authority to obtain the full purchase price of a faulty laptop despite offers by the company to attempt to fix it. However, it should be noted that 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.

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, which cannot be valued solely in monetary terms. These include:

- With the crucial help of DLA solicitors, registering the East Kilbride Dementia Carers group register as a company, allowing it to benefit from considerable tax and other advantages.
- Successfully defending in the Sheriff Court a claim by an ex-partner wanting the return of a much loved dog which they had previously shared and to which our client was very attached – to the extent that the stress had caused him to take time off work.
- Successfully defending an eviction an order against a couple who had lived in a caravan for the last 15 years caravan and would have been made homeless.

It should also be remembered that 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 2007/8, 6 such referrals were made (four to solicitors and two to the Faculty of Advocate's Free Legal Services Unit).

Finally, as in previous years, the vast majority of cases continue to involve employment law (32 or 30%), housing law (21 cases or 20%) or consumer law (23 cases or 21%). Apart from these areas, cases were fairly evenly spread of a wide variety of other subject areas.

### Other Activities

Having achieved a noticeable increase in its funding necessary to ensure the maintenance of its core activities of assistance to clients through adequate supervision, the Clinic was able to concentrate on putting into effect various plans for expansion.

One of these was the setting up of an outreach clinic at Sunnyside Advice Centre to enable members of the community to attend a clinic in their own neighbourhood rather than at the University. This reflects research and the view of local advice centres that many vulnerable people are put off seeking help if it is not on their doorstep. Unfortunately, establishment of the clinic was postponed due to a number of problems (including storm damage!) and thus only operated once during the year before having to close for the summer. However, plans have been made to re-establish it on a more effective footing from Autumn 2008. A second development was the engagement in legal research for the solicitors firm of Thompsons which like the Clinic has an interest in improving access to justice. Finally, the Clinic took its first steps in what is known as 'Street Law' by providing information to incoming students about how to avoid problems relating to housing which are regularly brought to the Clinic.

As in previous years, the Law Clinic saw a steady stream of visitors wanting to know more about it. Visitors included Colin McKay of the Scottish Government, Bill Aitkin, MSP and chair of the Justice Committee, Kenneth Campbell of the Faculty of Advocates Free Legal Services Unit, Lorna Beeton of Reed in Partnership, Stephen Moore of CaseCheck, and Glasgow Trading Standards officers seeking to establish a referral link to add to our existing links with Planning Aid, Shelter, the Faculty of Advocates' Free Legal Services Unit, Central Glasgow Citizens' Advice Bureau and the Legal Services Agency. The Clinic also hosted an evening buffet and information talks for Clinic alumni and local solicitors interested in becoming involved with our work. Eventually it is hoped that we will recruit enough solicitors to run outreach clinics in the evenings throughout Glasgow and to this end a small working group was established.

The Summer months saw valuable work done in the Clinic by five students employed to take on cases and engage in Clinic development. In the time not devoted to clients, they managed to re-establish the Sunnyslaw outreach clinic, finish off a small claims training DVD, prepare the Street Law project, prepare the Clinic for the new term and, most impressively, develop a sophisticated case management system which is likely to be the envy of most law firms.

As in previous years, the Management Committee, which comprises of local practitioners, members of other advice groups, Sheriff Miller and other relevant stakeholders, met to discuss Clinic developments and offer advice on future plans. This successful meeting was followed by dinner afterwards. Other social events included our fourth anniversary party in October, which was attended by our sponsors, the Deputy Lord Provost, 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 (Lindsay Bruce), case success of the year (John Harpur for his work in obtaining £3,200 for his clients - then highest settlement obtained in a Clinic case) and Donald's Ducks (to Helen Bain, Andrew Logie, Scott McMaster and Aidan West for managing to lose at ten pin bowling to Kate Laverty's young sons). Other events included an AGM in October, a meal for the outgoing Executive Committee and Christmas drinks in December, an EGM to elect additional Advisory Committee members in January, a quiz night (won by a team of Law Clinic alumni) and finally a barbeque on the beach at Helensburgh, at which the sun even managed to sign.

### **Future Plans**

Having engaged in major expansion in the past year, the coming year will focus on consolidating and extending some of the developments undertaken in 2007/8. Thus it is hoped to consolidate the Sunnyslaw outreach clinics and explore the possibility of establishing clinics in East Glasgow and perhaps also Greenock. Expansion plans have received a boost recently with plans by DLA Piper to spearhead the setting up of evening advice centres in Glasgow staffed by solicitors from local firms in partnership with the Law Clinic. Not only will this provide a regular source of referrals to the Clinic, but it is intended that participating law firms will contribute financially to the Clinic in return for relevant training and assistance.

The Clinic will continue to seek funding for its activities, but is likely to concentrate, not on bids for large amounts of money, but on seeking smaller donations from law firms and solicitors wanting to be involved with the Law Clinic either by offering their services or providing small but regular donations. In this way it is hoped that the Law Clinic will maintain strong links with its Alumni and other from the Law School.

The Clinic also intends to expand its current 'Street Law' activities into a halfway house between providing general legal advice to the public and assisting individual clients. Thus, the Clinic will run workshops on commonly occurring problems, for instance in consumer law or housing, to enable those with grievances to pursue their own claims, with the possibility of the Clinic taking over cases if and when necessary.

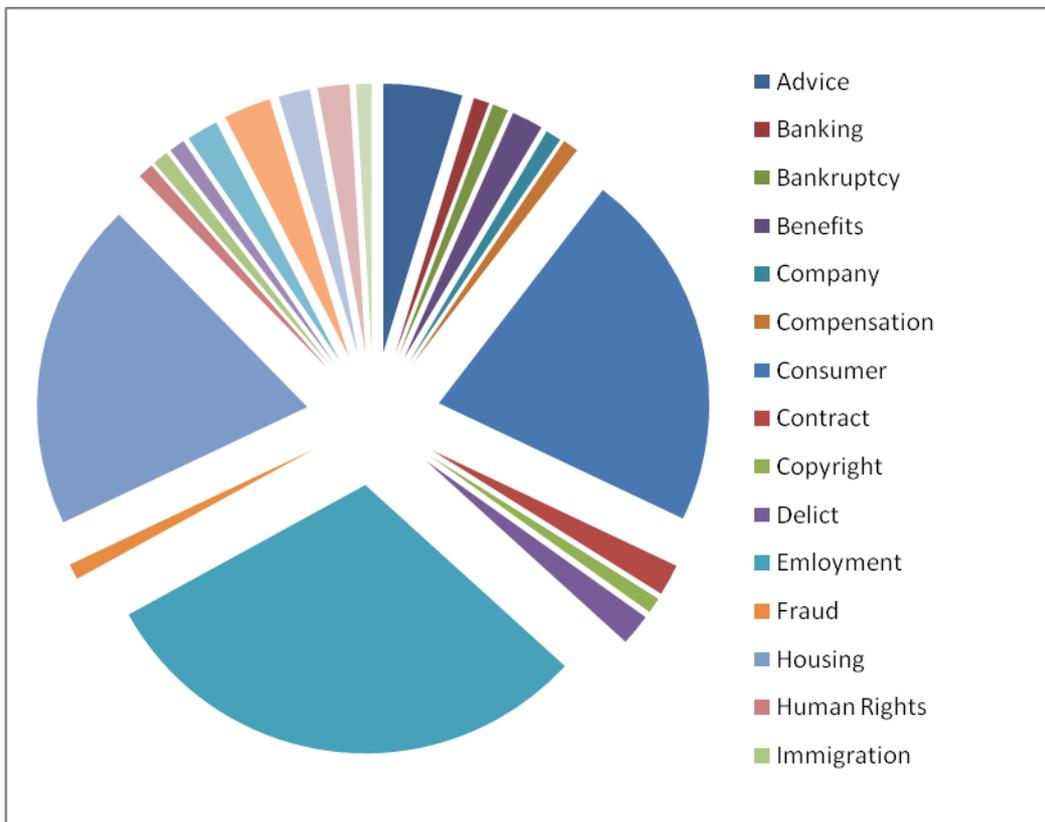
## **Thanks**

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, and the Alumni Association for its continued financial support; McGrigors, DLA Piper and Pinsent Masons for donations to the Law Clinic; the Law School, the Faculty of Law, Arts and Social Sciences, and the University for providing additional financial support; Cheryl Osborne and Gilliam Mawdsly for supervising students; Charles Hennessy, Margaret Gilroy, Charlie Irvine, the Faculty of Advocates, Mike Jones QC, Ian McPherson and McGrigors for running training sessions; the Legal Services Agency for providing free and discounted spaces for students on their training courses; Charles Hennessy and Frances McCartney for providing invaluable advice on cases; 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 Mark Poustie and Alan Paterson for their strong support and encouragement of the Law Clinic; all academic and support staff who have provided advice or administrative help to the Clinic, but particularly to Jenifer Ross who was always ready to answer questions on the many employment law cases we have had over the last five years; and last, but by no means least, members of the Executive and Advisory Committees, Linda Ion, Kate Lavery and Annabell Fowles, without whose dedication and conscientiousness the Clinic could not operate.

**Appendix 1**

**Breakdown of Cases - Academic Year 2007/2008**

|                        |            |
|------------------------|------------|
| Advice                 | 5          |
| Banking                | 1          |
| Bankruptcy             | 1          |
| Benefits               | 2          |
| Company                | 1          |
| Compensation           | 1          |
| Consumer               | 23         |
| Contract               | 2          |
| Copyright              | 1          |
| Delict                 | 2          |
| Employment             | 32         |
| Fraud                  | 1          |
| Housing                | 21         |
| Human Rights           | 1          |
| Immigration            | 1          |
| Inheritance            | 1          |
| Insurance              | 2          |
| Neighbour Disputes     | 3          |
| Planning               | 2          |
| Succession/Wills       | 2          |
| Unjustified enrichment | 1          |
| <b>Total</b>           | <b>106</b> |



**Appendix 2 - Financial Position**  
 Period 1 October 2007 to 30 September 2008

**Overview**

|                                   |                   |
|-----------------------------------|-------------------|
| Balance Brought Forward 2006-2007 | £1,405.03         |
| Income                            | £62,702.94        |
| Expenditure                       | £47,743.79        |
| Cash on hand as at 30/09/08       | <u>£16,364.18</u> |

**Income**

|  |              |                   |
|--|--------------|-------------------|
| Alumni Association                       | £5,000.00    |                   |
| Graduate Association                     | £5,000.00    |                   |
| Faculty of Law, Arts and Social Sciences | £10,707.90   |                   |
| University Knowledge Exchange Fund       | £19,500.00   |                   |
| McGrigors                                | £8,510.64    |                   |
| DLA Piper                                | £4,255.32    |                   |
| Pinsent Masons                           | £5,000.00    |                   |
| Personal Donations                       | £1,749.40    |                   |
| HMRC Refund                              | £2,235.00    |                   |
| VAT Refund                               | £744.68      |                   |
|  | <i>Total</i> | <u>£62,702.94</u> |

**Expenditure**

|                         |              |                   |
|-------------------------|--------------|-------------------|
| Staff:                  |              |                   |
| Kate Laverty            | £15,375.14   |                   |
| Annabell Fowles         | £13,971.17   |                   |
| Seasonal Employees      | £13,086.04   |                   |
|                         |              | £42,432.35        |
| Books                   | £89.10       |                   |
| Business Development    | £383.24      |                   |
| Catering                | £991.27      |                   |
| Entertainment           | £62.53       |                   |
| Insurance               | £476.00      |                   |
| Membership Fee          | £50.00       |                   |
| Petty Cash and Sundries | £392.58      |                   |
| Prizes / Gifts          | £53.35       |                   |
| Stationary              | £667.00      |                   |
| Training                | £911.07      |                   |
| Travel                  | £240.62      |                   |
| VAT                     | £744.68      |                   |
| Web Design              | £250.00      |                   |
|                         |              | £5,311.44         |
|                         | <i>Total</i> | <u>£47,743.79</u> |

