



University of Strathclyde Law Clinic Annual Report 2008-2009

Level 3
Lord Hope Building
St James Road
Glasgow
G4 0LT

Tel: 0141 548 5995

Annual Report 2008-2009

Contents

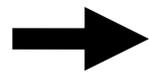
	Page
1. Year Highlights	3
2. Director's Statement	4
3. Law Clinic Background	6
4. Law Clinic Members	8
5. Cases & Clients	9
6. New Developments & Successes	12
7. Future Plans	14
8. Finances – Funding & Expenditure	15
9. Thanks	16
Appendix 1 – Staff Details	17
Appendix 2 – Committee Membership	18

This report covers the Law Clinic year 2008-2009, which ran from 1 October 2008 to 30 September 2009.

1. Year Highlights 2008-2009

152

Cases this year

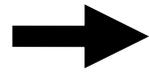


27%

Increase on 2007-2008

196

Volunteer advisors



22%

Increase on 2007-2008

- Awarded the LawWorks & Attorney General Award for Best Contribution to Pro-Bono by a Law School; shortlisted and highly commended in two other categories: Best Contribution by an Individual Student and Best Contribution by a Team of Students
- Nominated for Evening Times Community Champion Award
- New projects developed ready for launch
- Launched online Case Management System

2. Director's Statement

If the first five years of the Law Clinic exceeded my expectations, then this year we have taken things to another level. Highlight of this year must be our Attorney-General and LawWorks award for the Best Contribution by a Law School to pro bono. This was the first time pro bono activities outside England and Wales were eligible, so it was a great achievement to win the award at the first time of asking and after only five years of operation. We were also short-listed in two other categories - Best Contribution by a Team of Students (the Committee, which runs the Law Clinic) and Best Contribution by an Individual Student (Alasdair Stewart). Nine students made the trip to the House of Parliament for the award ceremony and were extremely fortunate to receive a two hour guided tour by Lord Hope of Craighead, who very generously took time out of his busy schedule writing House of Lord judgments.

This has not been our only form of formal recognition. We were shortlisted for the Glasgow Evening Times' Community Champions Awards in the Public Service Team Award category. Less formally we received two commendations at the recent Law Society's Anniversary Party, one by Baroness Scotland and the other by the Lord Advocate, Elish Angiolini and were recently featured in a two page article in the Evening Times.

This recognition is no more than we deserve. In 2008/9 we again increased the number of cases we took on from 120 to 152, an increase of 32 on the previous year. This is by far the largest increase in the number of cases in our history and indicates the reputation developed by the Law Clinic, which despite still not advertising, has had to twice impose moratoria on new cases to prevent our services being overstretched. We also branched out into a number of new activities, such as Street Law (public legal education) by providing advice on housing, employment and consumer rights to international students, law reform consultation by providing a response to a joint consultation by the Law Commission of England and Wales and the Scottish Law Commission on consumer rights, which was extensively quoted in the official summary of responses, and providing the Central Glasgow Citizens' Advice Bureau with information leaflets.

It is pleasing to see that there is now a growing realisation in Scotland of the importance of lawyers providing free legal assistance to those in need. Thus, earlier this year, I was invited by the Lord Advocate to a meeting to help kick-start pro bono legal assistance in Scotland, following a meeting a week before to discuss the launch of LawWorks Scotland which will co-ordinate pro bono in Scotland. As part of our contribution to the growth of pro bono, we have put in place plans to commence four new major developments early in the next academic year.

One is the establishment of Initial Advice Centres involving volunteer solicitors, most of whom are Law Clinic alumni, giving on the spot advice at evening sessions organised and administered by the Law Clinic. The second is an outreach project in Greenock, which will involve evening sessions allowing residents to access advice and representation from Law Clinic advisors. Thirdly, we will launch a project to provide information to prisoners who are about to be released to help their integration into society free from legal problems. Finally, in order to sustain the continued good work of the Law Clinic and its ability to

meet the ever-increasing demand for its services, we will launch a scheme whereby those who support our aims and work can provide modest but regular donations to the Clinic.

Currently, the fantastic enthusiasm and tremendous ability of our student volunteers and supervisors mean that the only constraint on the Law Clinic's potential to meet the needs of those who require legal assistance is our limited financial resources. With sufficient support to fund supervision, we could expand to take on more volunteers – we currently have to reject around 60% of those who apply – and expand our links with other agencies and the local legal community in a way which would largely eradicate unmet legal need in Glasgow and its environs.

Professor Donald Nicolson
Director, University of Strathclyde Law Clinic

3. 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 Law 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 indeed the only university Law Clinic of its kind 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 law clinics are recognised for their value, not only to the community at large, but to each new generation of lawyers. While the Law 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 law 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 Law 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 up 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 Law Clinic direction.

Originally, all advice and assistance was 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 during that year 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. Since then all cases have been supervised by Kate and Annabell. This year there was a record total of 196 advisors (an increase of 36 on last year). The student advisors are organised into six 'firms', each of which is headed by a student 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 Law Clinic duties. In assisting clients, students work in pairs, unless the complicated nature of the case demands a larger team. From 2007, the students have been able to contact volunteers from DLA Piper and McGrigors for advice and assistance with cases, and

in the same year a referral arrangement was set up with the Free Legal Services Unit of the Faculty of Advocates, enabling the Law Clinic to instruct a pro bono case where the difficulty of the case or rules regarding rights of audience prevent representation by the students. In 2008/9, the Clinic entered into a similar relationship with Simpson Marwick.

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 Law 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, on mediation by Charlie Irvine, and, as in previous years, on empathy and body language by Margaret Gilroy. In addition, students were able to benefit significantly from discounted 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.

4. Law Clinic Members

In October 2008 and March 2009, we recruited 74 new Law Clinic members who then undertook intensive training sessions on Law Clinic policy, procedure and relevant skills. These new members came from all years of study, including 21 students taking the Diploma in Legal Practice at the Glasgow Graduate School of Law, who joined the Law Clinic for two semesters as one of their elective diploma projects.

This led to a record total of 196 Advisors in the Law Clinic, an increase of 36 from 2007-2008, with the large increase in advisor numbers being designed to meet increasing demand and ensure that the Law Clinic has sufficient capacity to significantly increase our case load in the years ahead and support our new projects. Looking forward to 2009-2010, the Law Clinic expects to recruit a similar number of new advisors.

Information on staff numbers for 2008-2009 can be found in appendix one. Details of the membership of our Management, Executive and Advisory committees for 2008-2009 can be found in appendix two.

5. Cases & Clients

In 2008/9 the Law Clinic handled 152 cases despite its continued policy of not advertising and having to adopt two month-long moratoria on new cases. This was an increase of 32 cases on the previous year, notwithstanding our continued policy of screening out cases with little chance of success.

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. 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.

Law Clinic Case Success

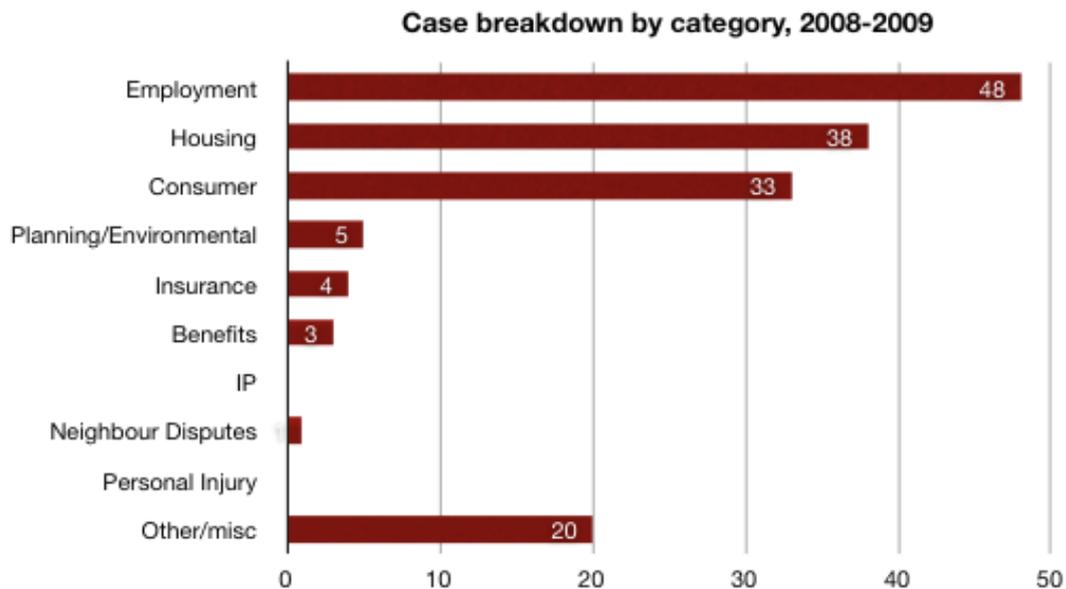
It is difficult to measure the success rate of the cases undertaken as some clients are able to resolve their problems following our advice, whereas other clients bring cases to the Law Clinic where there is no chance of success or indeed any legal solution. Nevertheless, leaving aside the fact such 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:

- Our first ever case where we represented the employer in a dispute. The employer in this case was an elderly, profoundly disabled man who had dismissed his carer and was now defending an unfair dismissal employment tribunal claim. This was a particularly unique case, as due to the employer's situation, the ex-employee had written their own dismissal letter and reference. In deciding the case, the tribunal had to take account of the size and administrative resources of the employer, and stated that they had come to a civilised arrangement balancing the needs of the employer and the employee. It was a great relief to all when the tribunal decided the employer had acted reasonably and that the dismissal was not unfair.
- One of our most successful cases to date was our first case under the Disability Discrimination Act 1995. The case was very complicated but centred on a claim for failure to make suitable adjustments against two different organisations. With the support of the Faculty of Advocates Free Legal Services Unit, we received the assistance of an advocate free of charge to represent our client. This led to a settlement on the morning of the hearing worth several thousand pounds.

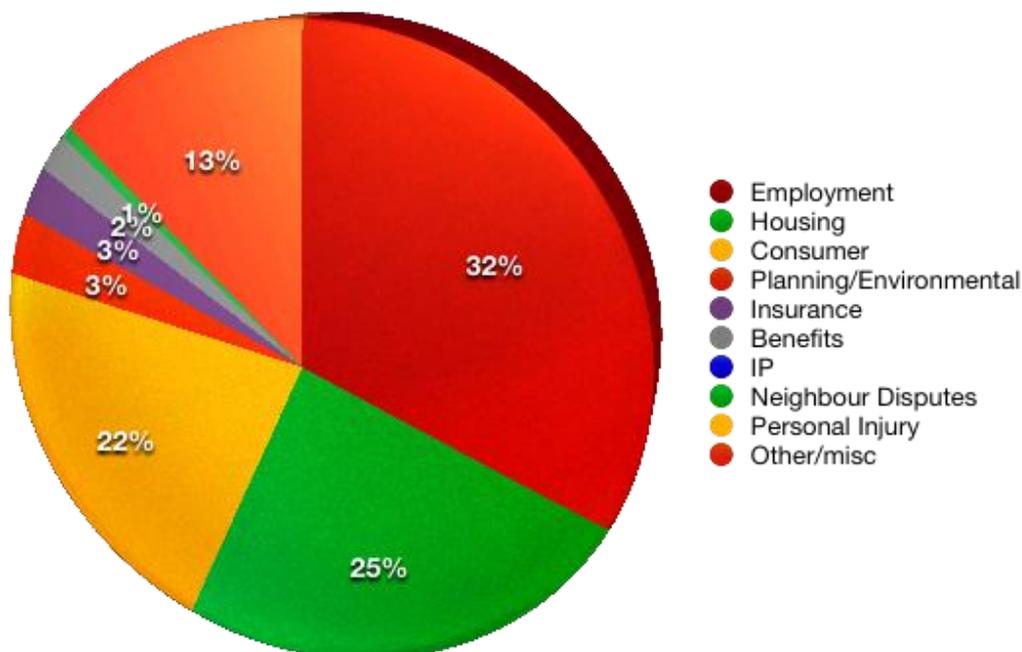
It should also be remembered that the Law Clinic aims to provide a full package of services: it understands that legal problems are rarely isolated from other problems clients might have and is therefore committed, where appropriate, to empower its clients by equipping them with the knowledge to help 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.

Finally, as in previous years, the vast majority of cases continue to involve employment law (48 or 32%), housing law (38 cases or 25%) or consumer law (33 cases or 22%). Apart from these areas, cases were fairly evenly spread of a wide variety of other subject areas.

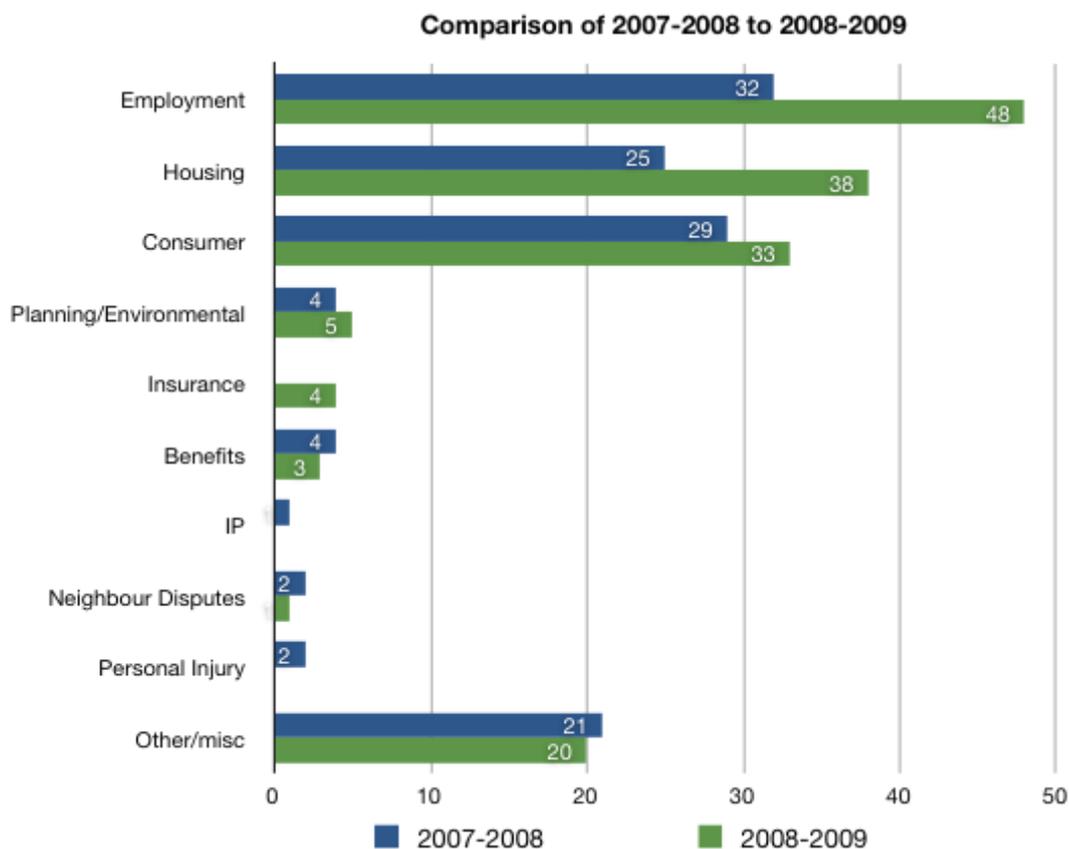
Breakdown of cases by category, 2008-2009



Case breakdown as percentages, 2008-2009



Category	Year 2007-2008	Year 2008-2009	Previous year change
Employment	32	48	+16
Housing	25	38	+13
Consumer	29	33	+4
Planning/Environmental	4	5	+1
Insurance	0	4	+4
Benefits	4	3	-1
IP	1	0	-1
Neighbour Disputes	2	1	-1
Personal Injury	2	0	-2
Other/misc	21	20	-1
Total:	120	152	+32



6. New Developments & Successes

The past year has seen several exciting new developments within the Law Clinic, and gives us a great platform to move forward into 2009-2010.

Prisons Project

The Prisons Project will see Law Clinic student advisors providing information to prisoners, on their employment rights, specifically those rights affected by the provisions of the Rehabilitation of Offenders Act 1974. The project does not provide advice to individual prisoners; rather, inmates are provided with guidance and information which they can then apply to their own circumstances, empowering them with the knowledge necessary to avoid, and tackle where required any legal problems which may arise in their post-release employment. The materials were developed by Law Clinic students, assisted by David Hoey.

A unique project in Scotland, the scheme is currently being rolled out across five prisons, in and around Glasgow, and will be fully operational by Christmas 2009. Thereafter, there are plans for expansion not only to provide the scheme in prisons across Scotland creating a national network, but moreover to branch out into other areas of law, such as benefits and housing.

Initial Advice Centres

One of our new projects scheduled to start on 7 October 2009 is our Initial Advice Centres. Using a model developed in England and further afield, it involves solicitors volunteering to provide on the night advice to members of the public. The Law Clinic has organised a small group of solicitors and trainee solicitors, many of whom are Law Clinic alumni, to run one initial advice session per month in the Mitchell library. The advice sessions will be organised and run by Law Clinic students, some of whom will also attend to act as receptionists and to sit in on interviews for experience.

Interest from the legal profession has been high, and we hope after a successful pilot to expand the sessions to other venues and run several throughout the month. The advice sessions all run in the evenings, making it ideal for people who cannot access other free services during the day due to work or other commitments. It also provides an ideal way for new Law Clinic advisors to get involved in the Law Clinic and an opportunity to meet and learn from practising solicitors. Complex cases from the advice sessions can also be referred to the Law Clinic, allowing us to expand our core advice and representation service with cases that we know are already suitable for our assistance.

Greenock Outreach

Two years ago, Law Clinic students researched the provision of free legal advice and other services throughout the West of Scotland. One of the areas we identified as lacking advice services was Inverclyde.

Towards the end of 2009, we are hoping to setup a project which will involve evening sessions allowing residents to access advice and follow up assistance for the sorts of issues we often deal with in Glasgow. We already have identified a location for the sessions, which will be provided free of charge and all that remains is to talk to other providers and advertise our services.

Case Management System

One of the biggest changes to our core activity of providing advice and representation was the launch of our electronic case management system (CMS) in October 2008; developed by one of our student advisors, Alasdair Stewart.

The CMS tracks all Law Clinic cases and helps to improve communication within the Clinic, keeping supervisors, case managers and advisors up to date on their case at all times. As well as reducing time spent on administrative tasks and improving our efficiency, one of the big benefits is the immediate access to statistics which allows us to more effectively manage the number of cases we are taking on and balance the work load across supervisors, firms and advisors.

Attorney General & LawWorks Student Awards 2009

For the first time, the Attorney General & LawWorks Student Awards were opened to activities outside of England and Wales. The Law Clinic entered in three categories: Best Contribution by a Law School (the work of the Law Clinic through the support of the Law School and the University of Strathclyde), Best Contribution by an Individual Student (Alasdair Stewart), and Best Contribution by a Team of Students (the Law Clinic Executive & Advisory Committees).

We were pleased to be shortlisted for an award in all three categories, which is a great achievement in itself. A group of nine students, along with Professor Nicolson, travelled to the House of Lords on 31 March 2009 for the awards and we were thrilled to win the award for the Best Contribution by a Law School. We were also highly commended in the other two categories.

7. Future Plans

With the launch of our Greenock outreach and Initial Advice Centres, along with additional supervision allowing us to take on more cases, 2009-2010 is shaping up to be a year of explosive growth for the Law Clinic.

However, we have a further three major projects to be pursued during the course of next year. One will be the development of consumer dispute workshops, which will involve evening sessions to give those with consumer issues general advice on how to conduct a complaint and, if necessary, litigation.

The second major project will be the establishment of a Clinical LLB to be running from 2010. This will build on the existing Clinical Legal Practice class which enables students to use their Law Clinic cases to reflect on the skills and ethics of practice, and the justice of law. Once established, the Clinical LLB will allow students to use their clinical experience as a basis for assessment in a large portion of their classes, where their training will count towards the degree. As such, the Clinical LLB will be unique in the UK, if not in the world. As part of this, and to discuss and manage the implications of the Clinical LLB on the Law Clinic, a working group has been formed to discuss and address changes along with any implications to our current mode of operation, and in particular to ensure that the voluntary nature of the Clinic and its primary objective of providing assistance to those in need is not diluted by the educational goals of the Clinical LLB.

Finally, because the good work of the Law Clinic and its ability to meet the ever-increasing demand for its services requires funding, to ensure a regular income stream we are launching a scheme whereby those who support our aims and work can provide modest but regular donations to the Clinic. This will enable us to plan our activities more efficiently and to concentrate on what we do best – helping those in need.

8. Finances – Funding & Expenditure

In 2008/9 the Law Clinic was funded by a variety of sources. As in previous years, the vast bulk of funding came from the Law School in terms of the salaries of the Director and for the first time, for the two supervisors, for at least part of the year. Coupled with this the Law School covered all costs associated with accommodation 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 Graduates Association, who also generously provided a further £1,000, which amount is sufficient to cover basic running costs such as our indemnity insurance, travelling costs, office sundries, thank-you gifts and dinners for those who assist the Clinic, entertaining guests to the Clinic, as well as other form of entertainment associated with training, fundraising and building Clinic morale. For the second year in a row we also received a donation from the Alumni Association, this time for £3,500 to support some of our development projects and a very substantial donation from McGrigors, while DLA Piper also made a donation for a second year running. We are also pleased to welcome as new sponsors Simpson and Marwick and Irwin Mitchell. Finally, we had very generous donations from private individuals and even from grateful clients.

As in previous years, apart from our normal running costs, which this year reached just over £6,000, the vast majority of expenditure went on staff: 1) up until the time when costs were taken over by the Department, by the two supervisors, 2) for the first time, by a part-time administrator; 3) by the employment of students to keep the Clinic running over the Summer and prepare it for the new year.

FINANCIAL DETAILS, 2008-2009

Period 01 October 2008 – 30 September 2009

Balance Brought Forward 2007-2008	£16,364.18
Income (71021.18)	£67,969.39
Expenditure	£75,483.63
Cash on hand as at 30/09/09	£8,849.94

Income

Donald Nicolson	£2,500.00	
Alumni Fund	£3,500.00	
Client Donations	£250.00	
DLA	£2,000.00	
Faculty of Law, Arts and Social Sciences	£34087.60	
Graduate Association	£1,000.00	
Graduates Association	£5,000.00	
Irwin Mitchell	£2,000.00	
Other Donations	£2,000.00	
McGrigors	£10,000.00	
Simpson & Marwick	£5,000.00	
Tax Rebate	£631.79	
Total		£67,969.39

Expenditure

Staff:		
Permanent Staff	£44,774.44	
Seasonal Staff	£24,842.55	
		£69,316.99
Accommodation	£34.00	
Catering	£611.58	
Couriers	£68.25	
Letterhead	£124.55	
Misc Expenses	£1,196.33	
Office Equipment	£1,040.38	
Petty Cash	£45.60	
Prizes/Gifts	£263.64	
Telephone Charges	£73.76	
Training	£200.00	
Travel	£2,485.55	
Website	£23.00	
		£6,166.64
Total		£75,483.63

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 and organisations, the Law Clinic would like to thank for its continued financial support, Rose Mary Harley and the University Graduates Association, the Alumni Association; McGrigors LLP and DLA Piper. We would particularly like to thank McGrigors for its donation of £10,000 for a third year in a row and Frances McMenemy QC for a very generous personal donation. Furthermore it is our pleasure to welcome as new sponsors Simpson Marwick and Irwin Mitchell.

The Law Clinic is very lucky to receive a large amount of assistance by way of training. Here we would like to thank McGrigors, Kenneth Campbell and the Faculty of Advocates, Charles Hennessy, Mike Jones QC, Margaret Gilroy, and Charlie Irvine, as well as the Legal Services Agency who make available their own training sessions for Law Clinic members at vastly reduced rates. The Law Clinic also draws on a wide variety of law firms and individual lawyers for advice and assistance on cases and research projects. DLA Piper provided solicitors to work on cases, McGrigors provided us with useful backup advice, as did Charles Hennessy, Frances McCartney, David Hoey and John Reilly. In addition Simpson & Marwick and the Faculty of Advocates Free Legal Services Unit played a vital role in taking over the advocacy of cases where our advisors were unable to continue.

Thanks also go to Lord Hope for giving up his time to entertain us at Houses of Parliament when we were down in London and to SolidPHP Inc for allowing us (or more accurately Alasdair Stewart) to use their software to develop our fantastic new case management system.

Finally, we would like to thank 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 Clinic; and also all the many Law School academics and support staff who have provided advice or administrative help to the Law Clinic.

Appendix 1 - Staff Details

Employed staff

For session 2008-2009, in addition to the Director, the Law Clinic had three part time staff members:

Supervisor	Annabell Fowles	(16.5 hours)
Supervisor	Kathleen Laverty	(16.5 hours)
Administrator	Katy McSkimming	(21 hours)

Temporary/Seasonal staff

In order that the Law Clinic can offer a service all year round without any interruption to our clients, six advisors (5 FTE) were employed for 18 weeks over summer, June 2009 to September 2009, to cover existing cases, deal with new cases, and work on a number of other development tasks in the Law Clinic.

Alasdair Stewart	
Heather Kemmett	
Helen Turner	
Paman Singh	(part-time)
Stephen Farrell	
Virginia Toyi	(part-time)

Appendix 2 - Committee Membership

Management Committee

The Management Committee is made up of members from the University of Strathclyde Law School, local community, other agencies and members of the legal profession.

Chair	Professor Alan Paterson	Law School
	Professor Mark Poustie	Law School
	Professor Donald Nicolson	Law Clinic Director
	Sheriff Ian Miller	Glasgow Sheriff Court
	Richard Farquhar	Solicitor
	Dr Rose Mary Harley	University Graduates Association
	Gwynneth James	Glasgow CAB
	Frances McMenamin QC	Advocate
	Richard Young	In-Court Advice Service
	Jean McFadden	Glasgow City Councillor

Executive Committee

The Executive Committee are responsible for the day to day running of the Law Clinic. The Executive Committee is run and chaired by the Student Director. Each of the six firm managers also sit on the committee, along with other students who take responsibility for different areas. The Executive Committee are appointed for a one year term every year in April after an interview process.

April 2008-April 2009

Student Director	Helen Bain	
Case Manager	David Martyn	(Firm A)
Case Manager	Emma Boffey	(Firm B)
Case Manager	Lucy Gilmour	(Firm C)
Case Manager	Heather Kemmett	(Firm D)
Case Manager	Elika Taghizadeh	(Firm E)
Case Manager	Alison Fotheringham	(Firm F)
IT Officer	Alasdair Stewart	
Training	Katy McSkimming	
Communications	Danielle McLaughlin	
Development	Stephen Farrell	
External	Stuart Kelly	
Social Convenor	Siobhan Connor	

Executive Committee: April 2009-April 2010

Student Director	Scott McMaster	
Deputy Student Director	Alasdair Stewart	
Case Manager	Helen Turner	(Firm A)
Case Manager	Emma Boffey	(Firm B)
Case Manager	Kirsty Plummer	(Firm C)
Case Manager	Heather Kemmett	(Firm D)
Case Manager	Virginia Toyi	(Firm E)
Case Manager	Katy McSkimming	(Firm F)
IT Officer	Michael McDougall	
Training	Andrew Alcorn	
Development	Liam Maclean	
External	Paman Singh	

Advisory Committee

The Advisory Committee are elected in a secret ballot by Law Clinic members at the AGM every October. The Advisory Committee is tasked to ensure that members' views are heard, address any ethical issues that are raised, and look at the long term direction of the Law Clinic.

The Advisory Committee elects a chairperson each year for their own meetings, and will also meet jointly with the Executive Committee throughout the year.

Members elected in October 2008:

Chairperson	Liam Maclean
	Andrew Alcorn
	Elaine Smith
	Ilona McGowan
	Kirsty Plummer
	Mohammed Riaz
	Paula Kinnie