



University of Strathclyde Law Clinic Annual Report 2009-2010

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Annual Report 2009-2010

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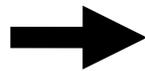
Report Period

To align with the University of Strathclyde financial year, the Law Clinic year end has been changed from 30 September to 31 July. This report therefore covers the ten month period between 1 October 2009 and 31 July 2010. Comparisons to 2008-2009 are for the full 12 month period, 1 October 2008 to 30 September 2009.

1. Year Highlights 2009-2010

14

New cases each month



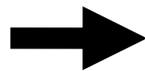
10%

Increase on 2008-2009

One in four of our cases results in a financial outcome for our clients. In the last year **we won/saved over £100,000**

211

Volunteer advisors



8%

Increase on 2008-2009

- LawWorks & Attorney General Student Awards 2010:
 - Law Clinic Committee shortlisted for Best Contribution by a Team of Students Award
 - Law Clinic Advisor & Development Officer, Liam MacLean, Runner-up in Best Contribution by an Individual Student Award
- Law Clinic Director, Professor Nicolson, recognised with Evening Times Community Champion Award.
- Hosted successful Launch Event in November 2009 for new Law Clinic Projects

2. Director's Statement

If last year was our most successful in terms of external recognition, I think that this year marks the start of a new era for the Law Clinic – one in which we branch out from a very successful core activity of providing advice and assistance to those in need in order to provide more long-term solutions to issues involving access to justice. We have continued to help even more vulnerable clients (an average increase from 12.7 to 14 new cases each month), with an even greater success rate in so doing. Thus the figure of over £100,000 in money won or saved for clients represents by far the greatest success rate thus far. For example in 2004/5 the equivalent figure was £6630.14 for the 84 clients we represented. Moreover, for the first time, we gained more in money for our clients than the Clinic cost to run. And this is before one takes into account all the assistance provided which is not measured in financial terms.

But what is really notable about last year was the way in which we expanded our services in three ways. The first was to link up with solicitors, including those from our main sponsor, McGrigors, to provide evening advice sessions in the Mitchell Library. Not only does this enable more people to gain expert advice (and assistance from the Law Clinic if a referral is thought necessary) and at times which suit those who work, but this initiative is the beginning of a long-term plan to double the amount of assistance provided by the Clinic by combining with like-minded members of the legal profession. The fact that so many of those members currently involved are alumni of the Law Clinic shows that it is achieving an important dimension of its objective, namely to inspire a new generation of lawyers to see the provision of legal services to the most needy in society as part of their professional responsibilities.

The second and third initiatives both involve ways of reducing the need for legal services through the provision of legal education. Here one can educate people so that problems do not arise in the first place or one can educate people so that they can resolve their own legal problems when they arise. Our very successful prisons project takes the first approach in relation to prisoners about to be released so that their employment prospects are not hampered by having a criminal record. Following a successful trial we now hold regular presentations in Polmont Prison and have plans to expand both the type of information we provide and the number of prisons in which we operate. The second approach was developed in relation to consumer disputes – students have researched the area and prepared materials for workshops to be held in the next academic year. If successful, this approach can be extended to other areas. Thirdly, we are starting to respond to a growing number of requests to provide specialised legal education to groups with particular needs. For example, we held a very successful training session on disability discrimination law attended by carers and advice workers.

In the forthcoming year we intend to develop such activities to an even greater extent. The fact that we are in such demand for assistance from both individual and groups shows what an important part of the access to justice legal landscape we have become. No doubt, with the continued enthusiasm and commitment of our student volunteers, supervisors and now solicitor partners means that we will continue to lead the way in student law clinic activities, not just in Scotland, but in the UK more generally.

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 until recently 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 a committee of student volunteers under his direction, with appointed students who are responsible for the day to day running of the Clinic and elected students responsible for representing the views of all members. Finally, a Management Committee, made up of non-Clinic members from the University, legal profession and local community, provides advice on Law Clinic direction.

Originally, all advice and assistance was provided by student volunteers, acting under the supervision of the Director. In 2006/7 Kate Laverty was employed on a part-time basis to supervise students and cases, and she was joined by Annabell Fowles in 2007/8, also on a part-time basis. In 2009/10, the Law Clinic added a third part-time supervisor, Nicola Zoumidou, whose position has temporarily been filled by Amanda Benstock while Nicola is on maternity leave. This year there was a record total of 211 advisors (a slight increase of 15 from 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 McGrigors and DLA Piper, 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 advocate 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.

The Law Clinic and advisors have also been fortunate enough to benefit from a number of training opportunities over the past year, boosting skills and knowledge. We are grateful to the Legal Services Agency for allowing our students to benefit from significantly discounted places at many of the sessions on various aspects of substantive law and procedure, our sponsors McGrigors, who provided an excellent employment session with a mock tribunal, Bridget McCann, who ran two extremely well received voice coaching sessions and, as in previous years, Margaret Gilroy, who provided a training session on empathy and body language and Charles Hennessey who has every year since 2003 provided training in letter writing and legal research. We are also extremely grateful to the Faculty of Advocates who again provided a two day advocacy course for approximately 20 students, along with Maurice Jamieson who also ran a session introducing students to advocacy. Finally, student advisors were able to benefit from an excellent employment session ran by David Hoey (Partner, BTO) and Ian McPherson (Employment Judge).

No advice can be given to clients without it first being checked by one of the 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 Clinic applies, at a minimum, the same standards of ethics and professional conduct that apply to Scottish lawyers.

4. Law Clinic Members

We have continued our program of ongoing recruitment for new volunteer student advisors, and again had a record number of applications. We received 134 applications for our first intake in October 2009, and 66 applications for our second intake in February 2010. This allowed us to recruit a total of 76 new Law Clinic members, who each completed our intensive training sessions on Law Clinic policy, procedure and relevant skills.

In addition, we have continued to recruit students from the Diploma in Legal Practice, which resulted in an additional 15 advisors joining us for the last year. Looking forward to next year, with the University of Glasgow now running a separate diploma, we expect the numbers recruited from the Diploma in future years to reduce significantly.

Our ability to recruit new advisors and respond to the increasing interest from students looking to get involved and give back to the community is limited by our finances and the consequent availability of supervision. As a result, this led to only a modest increase in the number of volunteers last year, up 8% from 196 to 211 students. With our current level of financial support, we expect that the number of volunteer student advisors will remain constant around 200 in future years – which unfortunately will mean that a large number of students who are keen to become involved will be unable to do so.

Information on staff numbers for 2009-2010 can be found in appendix one. Details of the membership of our Management and Student committee for 2009-2010 can be found in appendix two.

5. Cases & Clients

For the ten month period from October 2009 to July 2010, the Law Clinic took on 140 new cases despite its continued policy of not advertising and screening out cases with little chance of success. On average, this means that the Law Clinic is now taking on 14 new cases every month, up from 12.7 cases per month last year.

As in previous years, the Law Clinic is increasingly taking on more 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 involved advice and various forms of assistance such as making phone calls, writing letters and negotiating claims on behalf of clients, and this is supported by the fact that, despite nearly all cases being successful and achieving the outcome sought by the client, only one in four cases result in some sort of financial outcome for the client.

Law Clinic Case Success

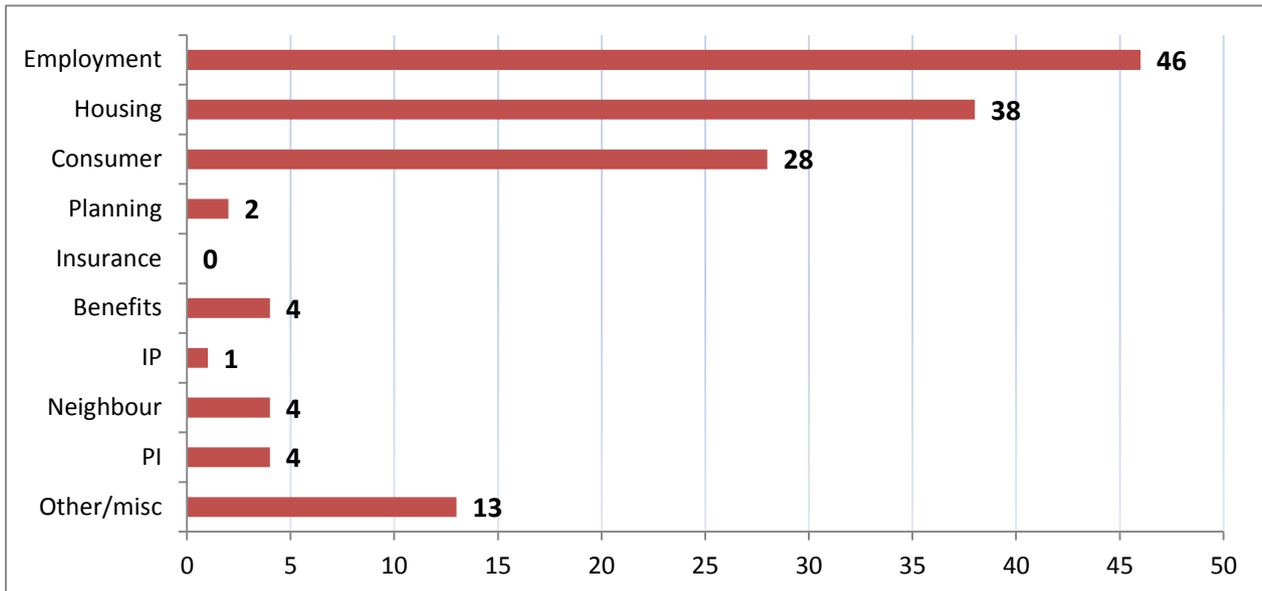
It is difficult to measure the success rate of the cases undertaken as some clients are able to resolve their problems following our advice, whereas other clients bring cases to the Law Clinic where there is no chance of success or indeed any legal solution. Nevertheless, leaving aside the fact such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

- Successfully negotiating with the Student Awards Agency Scotland and an education provider over a £7000 course fee dispute which had prevented the client from sitting his final exams
- Settlement of over £10,000 for a complicated and long-running TUPE Employment Tribunal case
- Assisting a client with an Employment Tribunal involving whistleblowing and the Public Interest Disclosure Act. With the Law Clinic's assistance, this was upheld and the client received a substantial financial award.

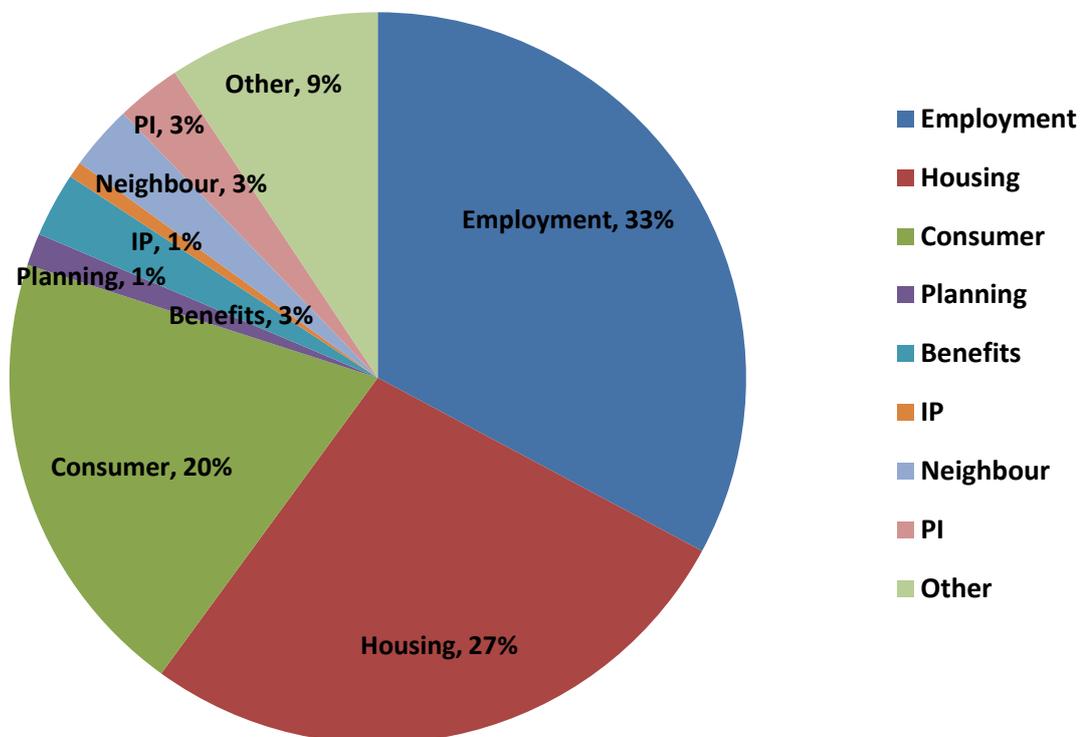
It should also be remembered that the Law Clinic aims to provide a full package of services: it understands that legal problems are rarely isolated from other problems clients might have and is therefore committed, where appropriate, to empower its clients by equipping them with the knowledge to help 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 (46 or 33%), housing law (38 cases or 27%) or consumer law (28 cases or 20%). Apart from these areas, cases were fairly evenly spread over a wide variety of other subject areas.

Breakdown of cases by category, 2009-2010



Case categories as a percentage 2009-2010



Comparison of case types, 2008-2009-2010

Category	2008-2009 (12 months)	2009-2010 (10 months)	Percentage Change
Employment	48 / 31.6%	46 / 32.9%	+1.3%
Housing	38 / 25%	38 / 27.1%	+2.1%
Consumer	33 / 21.7%	28 / 20.0%	-1.7%
Planning/Environmental	5 / 3.3%	2 / 1.4%	-1.9%
Insurance	4 / 2.6%	0 / 0.0%	-2.6%
Benefits	3 / 2.0%	4 / 2.9%	+0.9%
IP	0 / 0.0%	1 / 0.7%	+0.7%
Neighbour Disputes	1 / 0.6%	4 / 2.9%	+2.3%
Personal Injury	0 / 0.0%	4 / 2.9%	+2.9%
Other/misc	20 / 13.2%	13 / 9.3%	-3.9%
Period Total:	152	140	-7.9%
Monthly Average:	12.7	14	+10.2%

6. Projects & Year Highlights

Prisons Project

The Law Clinic Prison's Project is designed to provide employment advice and information on the Rehabilitation of Offenders Act 1974 to offenders shortly before their release from prison.

The project has been piloted at Her Majesty's Young Offender's Institution Polmont since February 2010, with sessions running approximately every fortnight. The prison staff were quick to report that the majority of the prisoners who took part had appreciated the session. In the six months that the project has been running, we have seen over 100 prisoners in 9 sessions.

Following this successful pilot, we are now working to expand the content and areas covered, as well as into other prisons which have shown interest in the Project.

Initial Advice Centres

After years of hard work and some frustrating false starts the Clinic finally launched its Initial Advice Centres (IACs) in the academic year 2009-2010. The IACs are the Clinic at its very best: innovative, radical, outward looking and student led. Clinic students advertised, organised and administered monthly advice evenings in central Glasgow's Mitchell Library where members of the public received on the spot advice from solicitors.

Participating solicitors came from all shapes and sizes of firms and were at different stages in their careers. Law Clinic Sponsor McGrigors also played a vital role, staffing every third IAC exclusively with McGrigors solicitors. All the solicitors involved seem to enjoy the chance to engage in pro bono and, needless to say, performed admirably.

Our students played a vital role – giving members of the public a friendly welcome, filling in forms and scribing for the solicitors during interviews. After piloting the evening advice sessions in October, November and December 2009, regular monthly sessions began in February 2010. Across the nine sessions, we gave on the spot advice to over 40 individuals, with each and every piece of advice a burden lifted from someone's shoulders or a helping hand in the right direction.

Looking to the future, the Clinic will be looking to continue and expand our IACs. Perhaps more importantly, the success of IACs exhibits a deep vein of desire in the Scottish legal profession to directly participate in pro bono. The IACs have shown the way, hopefully more solicitors will follow.

Attorney General & LawWorks Student Awards 2010

Following on from our LawWorks 2009 award for “Best Contribution by a Law School”, we were pleased to enter the Attorney General & LawWorks Student Awards 2010 for the second year in a row.

The Law Clinic was nominated and shortlisted in the ‘Best Contribution by a Team of Students’ (the Law Clinic Committee) and ‘Best Contribution by an Individual Student’ (Liam Maclean).

A group of students travelled to the House of Lords on 30th March 2010, where Liam Maclean was announced as the runner-up in the Best Contribution by an Individual Student category. This is a great achievement for Liam who has had a key role within the Law Clinic over the past couple of years, including overseeing and developing a number of our new projects.

Evening Times Community Champion Awards

In May 2010, Professor Nicolson – founder and Director of the Law Clinic – won an Evening Times Community Champion Award for his contribution to the Glasgow community in setting up and running the vital Law Clinic service. The Public Service Individual award for the Glasgow Central & West Area also means that Professor Nicolson will be a finalist at the Glasgow-wide awards held in October 2010.

7. Finances – Funding & Expenditure

As in previous years, the Law Clinic has been funded in 2009/10 by a variety of sources. The vast bulk of our funding has again come from the Law School, with a £41,000 payment for part-time contracts for the Administrator and Supervisors, while also covering other ‘hidden’ costs, such as the salary of the Director and provision of rooms within the University for the Law Clinic.

We are again very grateful to our sponsors, especially McGrigors who made a donation of £10,000 for the third year running, along with £2000 from DLA Piper and £1000 from Irwin Mitchell.

The Law Clinic has also been fortunate to secure funding from other parts of the University, including the University Principal who announced additional funding of £10,000 per year for the next three years, along with our regular sponsors the Graduates Association and the Alumni Fund, who, however, generously increased their contribution to £10,000 and £4500, respectively, this year.

This increase in funding has allowed the Law Clinic to employ a third part time supervisor, Nicola Zoumidou, and as in previous years, permanent staff costs made up the bulk of our expenditure. The Law Clinic Committee has also been particularly aware of the need to control costs, with significant cuts made to the seasonal staff budget which is used to ensure sufficient cover is in place over summer to allow our cases and service to continue operating (recruitment of only 3.4 FTE for summer 2010 compared to 5 FTE last year).

Expenditure on other items has also increased compared to our accounts last year, as charges for office equipment, telephone calls, and transport are now being passed down and debited from the Law Clinic account rather than absorbed by the Law School. This allows us to have a much more accurate picture of the financial costs involved in running the Law Clinic.

FINANCIAL DETAILS, 2009-2010

Period 01 October 2009 – 31 July 2010

Balance Brought Forward 2008-2009, 01/10/2009 **£8,849.94**

Income **£54,567.44**
Expenditure **£70,336.07**

Cash on hand as at 31/07/2010 **(£6918.69)**

Income

McGrigors	£5000.00	
DLA Piper	£2000.00	
Irwin Mitchell	£1000.00	
Alumni Fund	£4000.00	
Citizens Advice	£150.00	
Faculty of Law, Arts and Social Sciences	£41000.00	
Client donations	£533.00	
Other donations	£710.42	
Tax Rebate	£174.02	
	Total	£54,567.44

Expenditure

Staff:		
Permanent Staff	£53,315.59	
Seasonal Staff	£8,117.06	
		£61,432.65
Accommodation	£70.00	
Catering	£174.11	
Stationery	£351	
Prizes/Gifts	£170.04	
Training	£370.00	
Travel	£2355.19	
Telephone Charges	£644.18	
Insurance (AdviceUK)	£952.00	
Office Equipment – Photocopier costs	£1983.65	
Misc Expenses	£221.02	
Petty Cash	£38.23	
		£8,903.42
	Total	£75,483.63

Debtors

University Donation (Principal)	£10000	
Graduates Association	£10000	
McGrigors	£5000	
	Total	£25,000.00

Creditors

Photocopying charges	£495	
	Total	£495.00

8. 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, DLA Piper, and Irwin Mitchell. We would particularly like to thank McGrigors for its donation of £10,000 for a third year in a row, the Graduates Association for doubling their usual donation also to £10,000, and University Principal for pledging us three sums of £10,000 for this year and the next two.

The Law Clinic is very lucky to receive a large amount of assistance by way of training. Here we would like to thank McGrigors, Maurice Jamieson, Kenneth Campbell and the Faculty of Advocates, Charles Hennessy, Margaret Gilroy, Bridget McCann, David Hoey and Ian McPherson, 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. McGrigors provided us with useful backup advice, as did Charles Hennessy, Frances McCartney, David Hoey and John Reilly. In addition 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.

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, as well as 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 four staff members:

Supervisor	Annabell Fowles	(16 hours)
Supervisor	Kathleen Laverty	(16 hours)
Supervisor	Nicola Zoumidou	(8 hours) [October 2009 to June 2010]
Supervisor	Amanda Benstock	(7 hours) [from June 2010]
Administrator	Amanda Benstock	(28 hours) [from December 2009]

Temporary/Seasonal staff

To ensure that the Law Clinic is able to operate all year round, 8 advisors were employed part-time (3.4 FTE) over summer 2010 to provide cover for our activities, administrative support and co-ordinate our development projects. This is a significant reduction from previous years (summer 2009: 5 FTE) and is part of the Law Clinic's cost cutting efforts. The costs for this cover are split between this financial period (June and July 2010) and our 2011-2012 year (August and September 2010).

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

Student Committee

The Student Committee is responsible for the day to day running of the Law Clinic, and is 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 appointed members are selected for a one year term every year in April after an interview process, and elected members are voted in for a one year term by members at the AGM in October each year.

Student 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) [April – January]
Case Manager	Elise Lang	(Firm E) [February - April]
Case Manager	Katy McSkimming	(Firm F)
IT Officer	Michael McDougall	
Training Officer	Andrew Alcorn	
Development Officer	Liam Maclean	
External Officer	Paman Singh	
Elected	Catriona Milne	
Elected	Patrick Campbell Corcoran	
Elected	Aamir Riaz	
Elected	Niall Morley	
Elected	Paula O’Rawe	
Elected	Rachel Leggett	
Elected	Victoria Glen	