

University of Strathclyde Law Clinic newsletter



March 2010

Law Clinic hosts successful launch event to celebrate new projects

On Wednesday 11th November, the Law Clinic hosted an event to celebrate National Pro Bono week, which was attended by several leading lights of the Scottish legal world, including the President of the Law Society of Scotland, Ian Smart and Sheriff Principal of Glasgow, James Taylor, many prestigious legal academics and representatives from most major Glasgow law firms – a fantastic turnout, illustrating clearly the Law Clinic's growing reputation in legal circles.

The Director of the Law Clinic, Professor Donald Nicolson opened proceedings by outlining a number of new Law Clinic initiatives aimed at extending its contribution to the community and which are discussed in detail later in this newsletter. He was followed by the Lord Advocate, the Rt Hon Elish Angiolini QC (a Strathclyde graduate), whose description of her time as a young lawyer attempting to bring access to justice to local citizens in Govan was truly inspiring.

After what the Lord Advocate modestly described as her 'warm up act', Lord Philips of Sudbury, erstwhile Liberal Democrat peer and founder of the Solicitors Pro Bono Group (now LawWorks) entertained all with his stories of working as a tea-boy in a rather eccentric solicitors office and raised some highly poignant points about the practice of law in this day and age. Whilst reflecting on the past he presented his ideas for the future and the changes that he believes are required with respect to pro



Stephen Farrell (Law Clinic Alumni), Rt Hon Elish Angiolini QC (Lord Advocate), Professor Mark Poustie (Head of Department, Law School) and Scott McMaster (Law Clinic Student Director)

bono. He stressed that there is a desperate need for the younger generations to be positively educated towards viewing pro bono as part of a lawyers' duty, as a professional.

Student committee members assisted in the stewarding of the event – which included taking coats, handing out leaflets, ticking off names and generally 'mingling'. The evening gave the students who attended an invaluable insight into the professional legal world which awaits after graduations whilst also giving them the opportunity to chat with various highly respected individuals in the area of law, politics and journalism. Many guests were willing to open up about their work and what their jobs consisted of, but more importantly their genuine interest in the work of the Law Clinic shows the growing appeal of pro bono work.

One aim of the event was to raise awareness of our funding needs, and the time and effort spent organising the event was made immediately worthwhile when at the end of the evening, the University Principal Prof. Jim MacDonald pledged to provide £30,000 to the Law Clinic over the next three years. This contribution reflects the high regard in which the Clinic is held within the University and indeed shows

that we are situated within an institution of "useful learning". This additional funding follows the renewal by McGrigors of their annual sponsorship of £10,000 for the third year.

We were fortunate to have significant publicity both before and after the event, with coverage on the BBC News Website, The Firm, The Journal and The Scotsman. Such widespread recognition of the Law Clinic shows what an important asset it is for the local community and the University of Strathclyde. Without the continued support and generosity of the legal profession, our sponsors and Law Clinic members, it would be impossible for the Law Clinic to continue its invaluable pro bono work.

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Justice Secretary Visit

by **Scott McMaster and Alasdair Stewart**

Scotland's Justice Secretary, Kenny MacAskill MSP, was given an insight into the work of our Law Clinic, when he visited us recently. The meeting, organised by our External Relations Officer, Paman Singh, was set up to allow Mr MacAskill to meet staff and students and hear opinions about ways in which access to the type of work done by the Clinic could be broadened and also to hear ideas for developing pro bono work for people who have difficulty affording fees.

Mr MacAskill said: "It will doubtless stand [students] in good stead in whatever career they pursue but it is a sign of commitment to others that is much appreciated and much needed."

Professor Donald Nicolson, Director of Strathclyde Law Clinic, said: "It was a pleasure to welcome Mr MacAskill to Strathclyde. We are at the forefront of efforts to widen access to legal services- he seemed genuinely interested in what we are doing here and his visit was a great endorsement of our work. He listened to our ideas about access to justice and how it might be improved. We also offered an impression of the invaluable experience which the Law Clinic offers to our students and the commitment to justice which it helps to cultivate."

The visit of Mr MacAskill demonstrates the high regard in which the Law Clinic is held now in our nation. We have moved on and are no longer geographically confined to the area of Glasgow. Indeed our work with the Joint English and Scottish Law Commission



Justice Secretary Kenny MacAskill MSP meets students at the Law Clinic.

shows this also with the Law Clinic looking to assist in changing the law to provide access to justice for all through other means, not merely at the coalface.



L-R: Scott McMaster (Law Clinic Student Director), Kenny MacAskill MSP (Justice Secretary), Professor Donald Nicolson (Law Clinic Director), Paman Singh (Law Clinic External Relations Officer) and David Ferguson (Constitution, Law and Courts Directorate, Scottish Government)

LawWorks & Attorney General Awards



by **Alasdair Stewart**

As everyone may remember, last year the Law Clinic won the LawWorks & Attorney General Student Award for Best Contribution by a Law School in addition to being shortlisted in two other categories (Best Contribution by an Individual Student and Best

Contribution by a Team of Students). The shortlist for the awards this year was announced on Friday 26 February, and we are pleased that Law Clinic students have been shortlisted for two awards this year - Best Team (the Law Clinic Committee) and Best Individual (Liam MacLean, our Development Officer).

Given our success last year, we are looking forward to the awards this year which will be held in the House of Lords on Tuesday 30 March 2010 where the winners will be announced.

Pro Bono Conference - November 2009



by Patrick Campbell

On 10 November, a cold 5am start on Tuesday morning, four students from the Law Clinic set off to Manchester to attend the Joint National Pro Bono Conference. The conference, held during National Pro Bono Week, is designed to allow various organisations and people to meet, share ideas, and discuss pro bono strategies.

Within England, Pro Bono is arguably more mature and more firmly embedded in the legal culture, and so the event provided a great opportunity for the four students - Amy

Hunter, Alasdair Stewart, Paman Singh and Patrick Campbell - to learn from other attendees and discuss issues that we may encounter as the Law Clinic and the Pro Bono movement grows in Scotland.

This is not to say, however, that the flow of information was one way! The Law Clinic's representatives more than held their own in open discussions, regarding a variety of issues, with the great and the good of the English Pro Bono circuit. Many attendees expressed their admiration for the hybrid voluntary/curricular clinic model that we have here and, as part of our development strat-

egy, we continue to develop these relationships for the future.

As well as meeting others who indicated their willingness to provide us with further advice as we grow, the Conference provided an excellent insight into the successes and challenges that we will no doubt be encountering in Scotland in the not too distant future.



Training Update - Semester 1

by Patrick Campbell

This semester has seen a slew of training related activities that have been keeping our Training Officer, Andrew Alcorn, on his toes.

The first weeks of term saw some 135 prospective students apply to the Law Clinic. This number was eventually whittled down to 40 successful applicants who have now completed their induction training, bringing the total number of students in the Law Clinic to over 170. As ever, Charles Hennessy was kind enough to help, teaching the new recruits about research methods and letter writing.

A number of training sessions for existing Law Clinic members also took place. In November, prominent voice coach Bridget McCann provided a very valuable session on voice coaching and exercises to help remain calm, composed and in control while presenting in a courtroom. Bridget covered a variety of as-

pects, ranging from breathing exercises through to how to use one's voice effectively when discussing emotive issues. Whilst at first many attendees professed to finding aspects of the training difficult or embarrassing, by the end of the session all felt extremely lucky to have been able to attend, and grateful to Bridget for providing such a useful session. The feedback reflects how well received the session was, with comments such as "this was really useful for my future career plans" and "thank you Bridget, I am no longer afraid!" Bridget herself was also impressed by the calibre of students who attended, commenting that students had excellent voices, with one student in particular commended on his "rich undertones".

Further training for the students of the Law Clinic was provided in early December in the shape of an Employment Tribunal workshop, presented by David Hoey, a partner with Brechin Tindal Oatts and an employment lecturer at the University of Strathclyde, and Mr.

Ian McPherson, an Employment Tribunal Chairman and Director of Legal Services for Strathclyde Police. Both speakers brought different aspects to the presentation- David, having been in the position of representing both claimant and respondent many times, knew which pitfalls were likely to catch unsuspecting lawyers unawares, and provided a walkthrough that detailed the different aspects of an Employment Tribunal from start to finish. Mr. McPherson followed up, offering advice based upon his experiences as a Tribunal Judge. Both talks were gratefully received, and it is safe to say that all who attended left, not only with a far greater understanding of the legal and technical aspects of an Employment Tribunal, but also with the reassuring knowledge that Judges are, after all, human too!

The Law Clinic would like to extend its sincerest thanks to Charles, Bridget, David and Ian for providing such useful sessions .



Prisons Project Update

by Amy Hunter

Over the past year, the Law Clinic has been looking to establish a "Prisons Project", working on a similar basis to the 'Bars in their Eyes' programme presently operating in England and Wales. The project is initially aimed at advising offenders close to their release date of their employment rights and responsibilities under the Rehabilitation of Offenders Act 1974.

Eventually we hope to expand the project to include information on housing and benefit

matters. The project will endeavour to ensure this vulnerable group of people are fully aware of their rights and are not discriminated against upon their re-entry into society and employment.

Following a successful meeting with the Governor of HM Young Offenders' Institute Polmont, a pilot program was agreed. We had an extremely positive first session in March 2010, with all attendees reporting that they had learned something and would tell their cellmates to attend future presentations. The guards also said that the feedback when re-

turning the attendees to their cells had been excellent and it had been one of the more popular presentations at the prison.

The Law Clinic hopes to roll out the program to other suitable institutions in the central belt in the near future.

If you would like further information on the Prisons Projects please contact Amy Hunter at amy.hunter@strath.ac.uk.

Greenock Outreach

by Liam MacLean

Greenock has had limited free representation for some time now. The Law Clinic and other free legal service providers have noted this and hope to improve the situation for the

people of Greenock.

The Law Clinic's contribution to this drive will be a Greenock Outreach Project which we hope to pilot in 2010. The Clinic will advertise its services to the local people in Greenock

who then will be able to book interviews with Clinic advisors. Law Clinic student advisors will then travel to Greenock to interview the clients and take on their cases.



Initial Advice Centres

by Liam MacLean

The Law Clinic has recently launched its Initial Advice Centres (IAC) project. This exciting project has been a long time in the making and its pilot in the first semester has been a definitive success. An IAC is an evening event organised and administered by Law Clinic students where members of the public can drop in and get on the spot advice from solicitors, the majority of whom were members of the

Law Clinic while at university. The evenings offer a great opportunity for Clinic students to get face-to-face contact with clients and learn first-hand from practising solicitors.

Although there is currently only one IAC per month the Law Clinic is looking to expand the project in the future. Indeed the IACs could be start of something special for Scottish pro bono. There has been interest not just from individual solicitors, but our main sponsors,

McGrigors LLP, have now taken an active interest in getting their solicitors involved, with several McGrigors solicitors delivering advice to over a dozen clients at our very successful February IAC. With such an interest from all levels of the profession the IACs could be the shot in the arm that Scottish pro bono needs.

For further information on the IACs or if you want to get involved please contact Liam on liam.maclea@strath.ac.uk

Case Statistics

by Alasdair Stewart

In October 2008, the Law Clinic introduced its electronic case management system to improve our efficiency and allow us to produce more detailed statistics on the cases we deal with.

From 1st October to 28 February this year, the

Law Clinic has opened 68 new cases - an increase of nearly 20% compared to the 57 we opened in the same period last year. Over the same period this year, we've also closed 50 cases that have all made a difference to our clients in many different ways.

One way to look at this is the financial impact, and over the past 5 months we have won

over £25,000 and saved our clients a further £43,000.

The Clinic is increasingly dealing with larger and more complex cases, and these figures are a testament to the hard work and dedication of all our advisors - well done everyone!

The Law Clinic, ethics and academia - the road less travelled

"Tell me and I will forget; show me and I may remember; but, involve me and I will understand!" (1)

by Scott McMaster

Recent activity within the Law Clinic has been manic. Over the past year we have received national, nay UK wide, recognition and our efforts within Glasgow and greater Glasgow have not gone unnoticed. Moreover, it would seem as if other law schools are starting to emulate our example. However, whether they adopt the Strathclyde social justice clinical model (2) or are designed largely in order to teach students remains to be seen.

Since the establishment of the Law Clinic it has been with some pride that I have reiterated time and again to students, parents of students, academics, members of the law society and fellow law school clinicians that our organisation is first and foremost for the benefit of the community. As our focus is on the provision of access to justice with the additional benefit of developing essential legal skills, we are somewhat unique as far as law school clinics go. Throughout my years in the Clinic, I have watched with pride as the Law Clinic has grown. The introduction of supervisors, the implementation of our wondrous case management system and the success of the Clinical Legal Practice course are but a few of the developments during my tenure as an advisor, advisory chairperson and also as student director. It is the latter that I wish to concentrate on in this brief article.

Clinical Legal Practice, ethics and professionalism

The CLP course, in my opinion, is a further step towards the integration of ethics training within the modern legal curriculum.(3) This is especially topical when one considers Economides' and Roger's recent article stressing the importance of adequate training with respect to practice standards at the undergraduate level.(4) By engaging students in dialogue relating to ethical standards and behaviour, and contextualising ethical problems encountered in relation to live cases, the CLP course could be described as a precursor to a Clinical LLB incorporating training akin to that of the professional program which is in place at Newcastle University in Australia and which is planned for introduction in Strathclyde next academic year.

The harmonisation of theory and practice, in my opinion, will challenge and reward students and allow us to further gain exposure to a wide range of experiences. Furthermore, by reflecting on case experiences,

in addition to developing legal skills, students may develop a concern for the welfare of society. Such a course can empower students to analyse social questions thoroughly and to realise their conceptions of social welfare through their professional lives. The amalgamation of theory and practice represented by a professional skills and public service dimension within the curriculum has potentially profound implications for the legal profession and if ignored could raise further questions for the administration of justice.

Raising awareness

Furthermore, the reflective legal learning that students encounter in the CLP course and will hopefully encounter on the planned Clinical LLB raises awareness about ethics while equipping them with skills to resolve potentially ethically difficult situations.(5) Engaging with live-clients, in my opinion, enables students to develop a sense of social justice which they will take with them after University and beyond. Indeed, it may even influence their career choices, whether it be in the legal profession, or otherwise.

References & further reading:

- (1) As quoted in Bryce, C.M. ADR Education from a Litigator/Educator Perspective, 81 St. John's L. Rev 367 2007
- (2) The term "Social Justice Clinic" first appears in Nicolson, D. "Legal Education Or Community Service? The Extra-Curricular Student Law Clinic" (2006) Web Journal of Current Legal Issues - <http://webjcli.ncl.ac.uk/2006/issue3/nicolson3.html>
- (3) The utilisation of Clinics to integrate ethics more directly into the legal curriculum is discussed in depth in Nicolson, D. 'Education, Education, Education: Legal Moral and Clinical' (2008) 42 The Law Teacher 145-73
- (4) Economides, K., Rogers, J. Preparatory ethics training for future solicitors <http://www.lawsociety.org.uk/influencinglaw/policyinresponse/view=article.law?DOCUMENTID=419357>
- (5) Evidence of the impact of Clinics on student attitudes is provided in Nicolson, D. Learning in Justice: Ethical Education in an Extra-Curricular Law Clinic in Robertson et al (eds) The Ethics Project in Legal Education (London: Routledge) 2010

Notable Cases



by Niall Morley

Over the years case successes have contributed significantly to our growing reputation in Glasgow and the surrounding area and this year has been no different.

Whilst some people are no doubt familiar with these cases, here is a small selection of the 'highlights' of the last couple of months (Well, every success is a highlight, so consider these a taste of what the clinic is achieving!).

Of initial notable interest was the success of Heather Kemmett and Michael McDougall who recently helped a client get remedial work done on his car after a botched repair. The client had been involved in an accident, for which liability was accepted by the other party. The insurer had the car repaired, but in the process the paintwork and stereo were damaged, and the client had little success trying to get the problems corrected himself. Our advisors contacted the insurer, and managed to get the client's car properly repaired for him.

The second case is an interesting but somewhat factually convoluted one – here we go:

This involved a client whose "friend" had organised a holiday on their behalf, without their knowledge. This person, the "friend" then sued for £2,000 as our client did not wish to go on the holiday and indeed had never wanted to do so. Indeed this £2,000 was calculated as comprising the holiday, expenses and interest. As a goodwill gesture and bearing in mind the tenuous evidence which would be relied upon by the pursuer – a handful of text messages and the evidence of another friend who facilitated the deal – our client offered £200.

Needless to say the sheriff was keen to encourage a settlement in this case due to the weak evidence and eventually the pursuers settled at £400, saving the client around £1,500, not to mention court costs! Well defended, Andrew Alcorn and Mark Leiser.

Finally, with a five figure win it's one of the largest amounts any advisors have won for a client. The saga lasted two years and worked its way through four advisors – Mauro Di Lullo, John Dowell (who finished his degree before the case finished), Hannah Cosgrove (who was replaced whilst on her year exchange to France) and Paman Singh. It even involved instructing an advocate,

Lachlan McNeill. The case concerned complex TUPE regulation questions, culminating in a two day hearing. The judge praised the hard work and dedication of the Law Clinic in the case, and despite being insistent that they felt they had a strong case, following the morning session, the agents for the other parties finally agreed to settle for the sum of £10,000 - a great result not only in terms of money but also in terms of providing closure to a client who had been involved in such a long running dispute. Again, congratulations to Mauro, John, Hannah and Paman.



Student Awards

by Niall Morley

All institutions like to reward commitment and achievements, and the Law Clinic is no exception. Every year awards are given to the students who best show the spirit and dedication the Clinic embodies. Both personal and team awards were up for grabs.

We are delighted to announce that 2009's awards went to...

- Best Contribution to the Law Clinic – Alasdair Stewart
- Best Advisor – Michael McDougall
- Best Newcomer – Patrick Campbell
- Case Of The Year – Hannah Cosgrove, John Dowell, Mauro Di Lullo and Paman Singh

While recognising the achievements of several students, it's important to remember that each year the Law Clinic has hundreds of cases and advisors, and without the efforts of all our volunteers, our clients would never get the victories to which they are entitled.



Training Update - McGrigors mock Employment Tribunal session

by Andrew Alcorn

As part of their sponsorship of the Law Clinic, on Thursday 18th March McGrigors Law Firm ran a mock Employment Tribunal session. Organised by Sue Gilchrist of McGrigors, the session was highly successful in engaging Strathclyde Law Clinics students on the realities behind Tribunal decision making.

The session focused on a fictitious unfair dismissal case, with 7 students succeeding in gaining a hotly contested role in the tribunal itself. The session began with an analysis of

the pros and cons for each party in the case before moving onto the tribunal. Amy Hunter (representing the claimant) and Stephen Rice (representing the respondent) fought out the case before a panel of 3 ET judges (2 of whom, Elise Lang and Jennifer Kyle, were Law Clinic students). Angela Duncan and James Campbell Corcoran took part as the respondent and supporting witness respectively and Anna Martin as the claimant herself.

After the tribunal was over, our students discussed the merits of the case and decided the claimant would win on the basis of unfair dis-

missal. The session then concluded with a brief examination of how McGrigors would investigate an issue like this in a real case.

All involved left with a greater insight into the workings of the Employment Tribunal system and praise for the opportunity with which they had been provided. Our thanks go again to Sue Gilchrist and everyone at McGrigors who made this session a highly successful event.



Law Clinic students taking part in the mock Employment Tribunal session at McGrigor's offices in Glasgow

Supporters of the Law Clinic

by Alasdair Stewart

At the Law Clinic's Launch event in November [article, page 1], in addition to the launch of our new projects, we also launched our new "Supporters of the Law Clinic" scheme. This allows individuals to make a one-off or regular (direct debit) donation to the Law Clinic to support our work.

We are extremely grateful to everyone who has signed up and donated since the event, as every donation no matter how small or

large can make a significant difference.

Along with the money received from our existing funders - including the Law School, Alumni Association, Graduates Association and our law firm sponsors (McGrigors, DLA Piper, Simpson & Marwick and Irwin Mitchell) - the money raised allows us to increase the number of cases we can deal with, to work on cases over the summer months, and pay for various costs associated with our projects (e.g. travelling costs).

The demand on Law Clinic services is constantly increasing, and so we hope that many more people will be able to sign up and give generously.

One-off donations are now able to be made online through the University website at <http://www.strath.ac.uk/give> (please be sure to select 'Law Clinic' for the Fund Distribution question). If you would like to make a regular donation by direct debit, please call 0141 548 5995 or email enquiries@law-clinic.org.uk so that a form can be sent to you.

Training Update - Semester 2 Recruitment

by Alasdair Stewart

Every semester in the Law Clinic brings a new batch of Law Clinic recruits - this semester saw us train 27 eager new advisors.

As always, applications were of a very high standard with over 70 students applying. Following a rigorous interview and selection

process, our 27 newest advisors started their training in February and completed their fourth and final session on March 17.

With training covering Law Clinic procedure, interview practice, research skills, letter writing and file management; our latest advisors are now ready to take on their first cases.



New Faces: Nicola Zoumidou



Nicola studied for her LLB at the University of Bristol and was taught by Donald Nicolson in her first and fourth years. After graduating she followed up on her Erasmus year abroad by working at a law firm in Paris for a year before completing her Legal Practice Course (LPC – the English version of the Diploma) in London, and then trained at a small firm in the City of London where she also advised clients pro bono in the firm's weekly clinic. Nicola practised in the field of private client for 5 years and then became an LPC lecturer working for BPP Law School first in London and then in Manchester. Nicola supervised students at BPP's Manchester pro bono clinic and is delighted to be involved with the Law Clinic here at Strathclyde.

Nicola is supervising for 8 hours per week, on Mondays and Tuesdays from 1pm to 5pm, and the rest of the week she is studying towards a PhD under Donald's supervision. Nicola is hugely impressed with the time and effort that students put into the Law Clinic here, and amazed that students deal with the advocacy at the Employment Tribunal and Sheriff Court, since the other clinics Nicola has been involved with have only offered initial advice - "Although many Law Schools dabble in pro-bono work, there are very few places - if any - that offer the full service that clients in need receive here at Strathclyde."

New Faces: Amanda Benstock

Following on from Katy McSkimming's successful year, we now have a new Administrator: Amanda Benstock.



Amanda was previously a student on the LLB (accelerated degree) from 2003 until 2005 and a member of the Law Clinic for two years. She is now a solicitor with 1 and a half years post qualified experience in civil litigation. Having found her experiences in the Law Clinic as an invaluable foundation upon which to move forward into the real world of legal practice, she is now delighted to be back in the Law Clinic and is looking forward to being able to give back some of her experiences.



Bonfire

by Catriona Milne

This year Donald and Aileen once again kindly played host to the Law Clinic's annual bonfire night, which was a tremendous success. Although it was a fairly cool evening- no great surprise for Helensburgh mid November- the mulled wine, chilli and coal cooked potatoes worked wonders to heat us up. As ever, the bonfire on the beach was thoroughly appreciated, and the evening was rounded off with a fireworks display to rival Glasgow Green's! Many thanks to our gracious hosts for allowing the students to rampage through their house once again, and we all hope to remain in their good graces for next year's event!



Law Clinic students at the bonfire in Helensburgh

Where are they now... John Dowell

by John Dowell

I left the Law Clinic after graduating from the University of Strathclyde in July 2009. Shortly after leaving the Clinic, I moved abroad to begin a temporary position with the Royal Canadian Mounted Police. On returning to the UK in September, I was offered the chance to undertake

postgraduate studies at the London School of Economics. I commenced my LLM in October and decided to focus my study on Public International Law.

I am thoroughly enjoying my time in London and intend to pursue a career with the Foreign and Commonwealth Office later this year.