



# Annual Report 2012-2013

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## **1. Year Highlights 2012-2013**

- LawWorks & Attorney General Student Awards 2013: Student Director 2012-2013, Hannah Cosgrove, wins Best Individual Student Award and Clinic was Highly Commended for the Best Law School.
- Shortlisted for the Times Higher Education Award for an Outstanding Contribution to the Community.
- Expansion of the Prisons Project, IACs and Schools Projects
- 1000<sup>th</sup> case gala celebration October.
- First case settled through Judicial Mediation.
- Our youngest student ever to lead a case in the Small Claims Court wins victory for client.
- Law Clinic hosts annual Scottish Universities Law Clinic Network event.

## **2. Director's Statement**

This year's Annual Report reveals a story very much of business as usual. For the Law Clinic, however, "business as usual" means another year of excellence, expansion and innovation. We took on many more cases than in the previous year, most notably through our evening Initial Advice Clinics, staffed by volunteer solicitors who largely come from the ranks of Clinic alumni, and which saw an almost 100% increase in clients advised. Our success rate in representing clients remained impressively high – how many lawyers can boast of obtaining at least a partial success in 93% of their cases. The last twelve months also saw the students take the initiative in vastly expanding one of our "project" by adding three new prisons to the two we currently visit to provide education on legal matters to prisoners and in establishing a new project designed to provide advice online and ultimately by video-conferencing to those who want quick answers or who cannot travel to us. And to cap the year, we were again successful at the Annual LawWorks/Attorney Generals Pro Bono awards, when Hannah Cosgrove, our Student Director for the last two years was the much-deserved recipient of the Best Contribution by a Student award.

The fact that this level of community service and that represents "business as usual" shows how far our Law Clinic has come since our establishment in 2003 as the then only existing law clinic in Scotland. I would never have predicted then that we would have represented so many clients (currently over 1200) at such a high level (we have just won our first summary cause case) and with such great success (we have now won or saved for our clients over half a million pounds as well as achieved significant victories for them such as defending evictions or protecting their livelihoods). I certainly never envisaged the five additional projects which have largely been conceived of and established by the students as a means of expanding the service we provide to the community in the face of continuing limits to our financial resources nor that we would be hosting the second annual Scottish University Law Clinic Networks involving us and three other universities which have followed our example. I would also not have predicted the numerous awards heaped on the Clinic and its members (but then who would have predicted that I would accept an OBE!)

However, I have long since ceased being amazed by the Clinic's achievements, which can be put down to a combination of various factors: support from the Law School, the University and the local legal community; the advent of two inspiring and highly professional supervisors in the form of Annabell Fowles and Kate Laverty and a series of highly efficient and supportive administrators in the form of Linda Ion, Katy McSkimming, Amanda Benstock, Hannah Cosgrove and now Diane Inglis. However, as all who know anything about the Clinic will attest, the success is largely down to the hard work, commitment, innovation, bravery, and altruism of the 600 or so students who entered the Clinic over the last ten years. They remain a constant inspiration to me and others to strive even harder to ensure social justice in Scotland. As they make their way into the ranks of the legal profession and other occupation, I can see a much brighter future for those seeking access to justice than could have been envisaged ten years ago.

### **3. Law Clinic Background**

#### **History**

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 does not act for anyone who can afford professional legal services or who can access 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 recently in England, Wales, and 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 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 an Executive 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. Power to make urgent decisions is delegated to a Management Committee made of the Director, Clinic Supervisors, Student Director and Deputy Student Director. Finally, a Supervisory 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. Recently, both were put on full-time contracts and were joined by a full-time Administrator. The student advisors are organised into six 'firms. Each firm 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 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 the law firm 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.

No advice can be given to clients without it first being checked by one of the supervisors. Additional specialised advice is also obtained from Law School academics, and solicitors who have volunteered their services, including those of our sponsor, DLA Piper. 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.

## **Training**

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 procedures and ethos. All other students attend a training course over four afternoons on client interviewing, case management, legal research and letter writing.

Training does not, however, end when members complete their induction. Comprehensive and continued training is fundamental to ensuring that all advisors stay up to date with the law and legal practice, and in turn, our clients receive the best service available. Thus, all students may attend training which is compulsory for Clinical LLB students on the writing of pleadings, negotiation, mediation, advocacy and legal ethics.

In addition, we run a comprehensive programme of 'continuing professional development' (CPD). In semester one, visiting professor David Hoey, of BTO solicitors, held a training session alongside Employment Tribunal Judge Ian McPherson providing a perspective on Employment Law Practice and Procedure from the point of view of a practitioner and from the Bench, respectively. Given that, a high proportion of our cases involve employment law disputes, this session was invaluable for providing advisors with essential guidance on what a Tribunal Judge expects from representatives in an employment case, and on what it means to fulfill the representative's role and meet those expectations. Another equally invaluable perspective was given in a session held by David Martyn, Law Clinic Alumnus and solicitor with Thompsons. In this session David brought clarity as to the role of the Tribunal in employment cases and to what it means for a response to fall within the band of reasonable responses.

Bridget McCann provided a masterclass on vocal skills for the courtroom. This gave advisors the chance to benefit from her theatrical training. She has used her expertise for many years to teach professional solicitors and advocates how best to use vocal and presentation skills to make the delivery of their cases more credible and compelling. This training was extremely well received with students experiencing an unexpected surge in confidence after experiencing the differences in skill they could exhibit from following Ms McCann's simple but challenging exercises.

As in previous years Professor Charlie Irvine held another successful workshop on mediation advocacy which focused on the benefits of mediation as a form of Alternative Dispute Resolution (ADR) and on how an advisor might begin to recognize when mediation could help a case. As the use of ADR as a means to resolve cases continues to grow year by year, this training is an essential element to the education of any of our student advisors.

In November the Law Clinic extended a warm welcome back to Professor David McQuoid-Mason of the University of KwaZulu-Natal. He held a workshop on the importance of 'Street Law', a cause central to the Clinic's ethos. In this workshop Professor McQuoid-Mason demonstrated the importance of alternative methods of teaching law to lay people by using participatory teaching techniques to heighten the interest and motivation of our members.

To conclude semester one, the Law Clinic was delighted to welcome back Kenneth Campbell QC and John Hamilton QC from the Faculty of Advocates who, once again, provided a two day training session on advocacy skills. This training is of the highest quality as it replicates the Faculty's training of its own devils. As court work is a key activity in our casework this training is of inestimable value to Clinic advisors.

Semester two saw two new trainers provide the Law Clinic with very interesting new sessions. Dr Carole Allan, Clinical Psychologist and Lecturer, held a session designed to increase mental health awareness. One in every four people will experience mental health problems at some point in their lives. As many Clinic clients seek help at a particularly stressful time for them it is extremely important for our advisors to be sensitive to this fact. The second new session was provided by Jacqueline Fox, Solicitor and tutor on Strathclyde University's Diploma in Legal Practice. She gave an extremely helpful session on the basic first steps which are required to be taken in order to raise an action in the Sheriff Court; an experience a high number of our advisors continue to encounter every year.

Also in semester two, the Clinic was fortunate to have another of its alumni return to share the benefit of their professional experience. Lindsay Bruce, also of Thompsons, held an excellent session on Employment Tribunal remedies and on understanding schedules of loss: their purpose, how to draft and calculate them and what they mean in practice.

Also making a welcome return was Margaret Gilroy, counselor and expert in body language. Again she provided a helpful session on the true meaning of empathy and how to convey it to a client in order to build a rapport of trust with a client in an interview.

As an extra means of supporting our students in their case work, fortnightly Case Surgeries are held. Attendance at Case Surgeries is another compulsory requirement for Clinical LLB students, but, again, the surgeries are open to all members. Each surgery is designed to focus on cases which arise from one particular area of law at a time. Each surgery is hosted by a practitioner or expert in that particular area, or by one of the Clinic Supervisors, who can draw upon their general knowledge of the cases currently being handled by the Clinic and upon their expertise on the legal issues which frequently arise in typical Law Clinic cases.

In each semester, visiting professor David Hoey held an employment law surgery, Stephen Farrell (formerly of Lindsays Solicitors, now of Burness & Paul LLP) held a housing case surgery, Kate Laverty held a consumer surgery and the general case surgery was held by Charles Hennessy in semester one and Annabell Fowles in semester two.

The Case Surgeries offer a chance for advisors to ask questions of the experts and are a wonderful opportunity to gain a new perspective and a deeper understanding. Another positive feature of the Case Surgeries is that they provide a forum by which student advisors can share their experiences with each other and provide mutual support. There is no

requirement for an advisor to have had any experience of a case in the area being discussed, or even any case experience at all. The Case Surgeries are thus an excellent way for new advisors to find out about the realities of casework while they are waiting for their first case. As one student remarked, 'it was really helpful to hear some real life dilemmas regarding a case in an area of law I had not encountered before. It gave me an insight I would not otherwise have had the chance to gain'.

Finally, The Legal Services Agency generously allowed our students to benefit from significantly discounted places at many of the sessions on various aspects of substantive law and procedure.

The Clinic is incredibly grateful to all those who gave up their valuable time so enthusiastically to help the Clinic maintain its high standards of professionalism.

#### **4. Law Clinic Members**

This year we received 123 applications from LLB students for the October 2012 intake, of which 60 were successful. In addition, we continued to recruit students from the Diploma in Legal Practice, which resulted in an additional eight advisors joining the Clinic. In the future, it is hoped that we will be able to increase the numbers involved in the Clinic to as many as 300 students, following on from the Law Clinic being chosen as one of the projects that the University's Alumni Fund will focus on in its philanthropic appeal.

To ensure that the Law Clinic is able to operate all year round, eight advisors were employed on a part-time basis (3.43 FTE) over summer 2013 to provide cover for cases, 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.

#### **5. Cases and Clients**

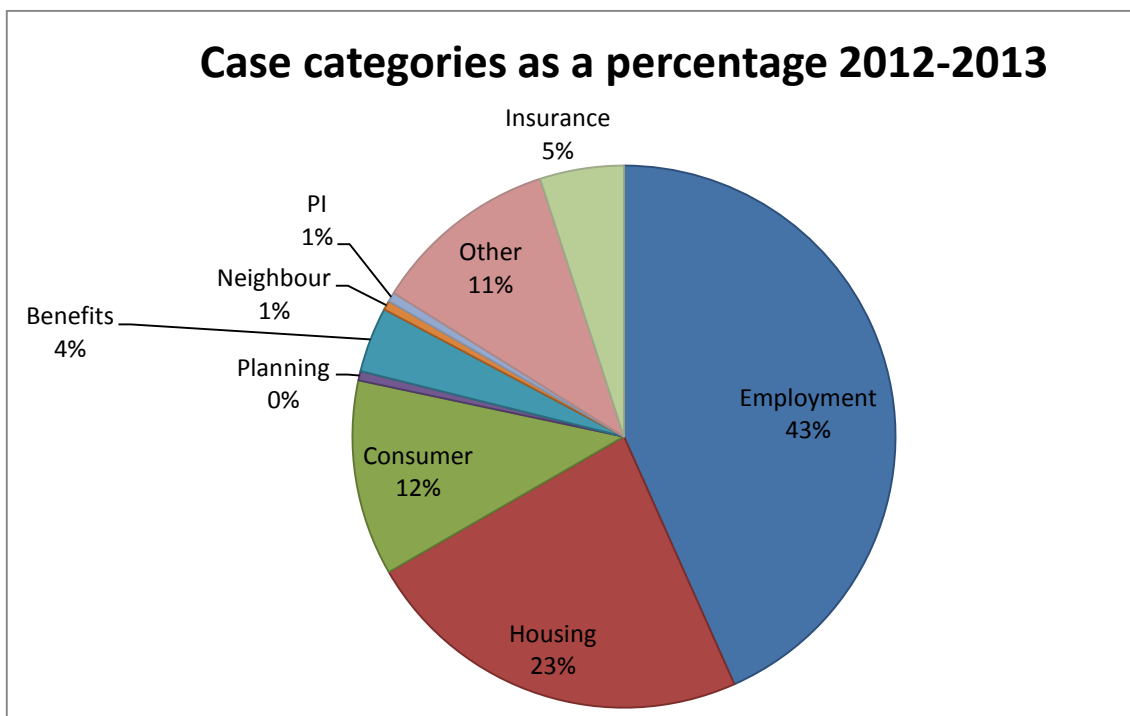
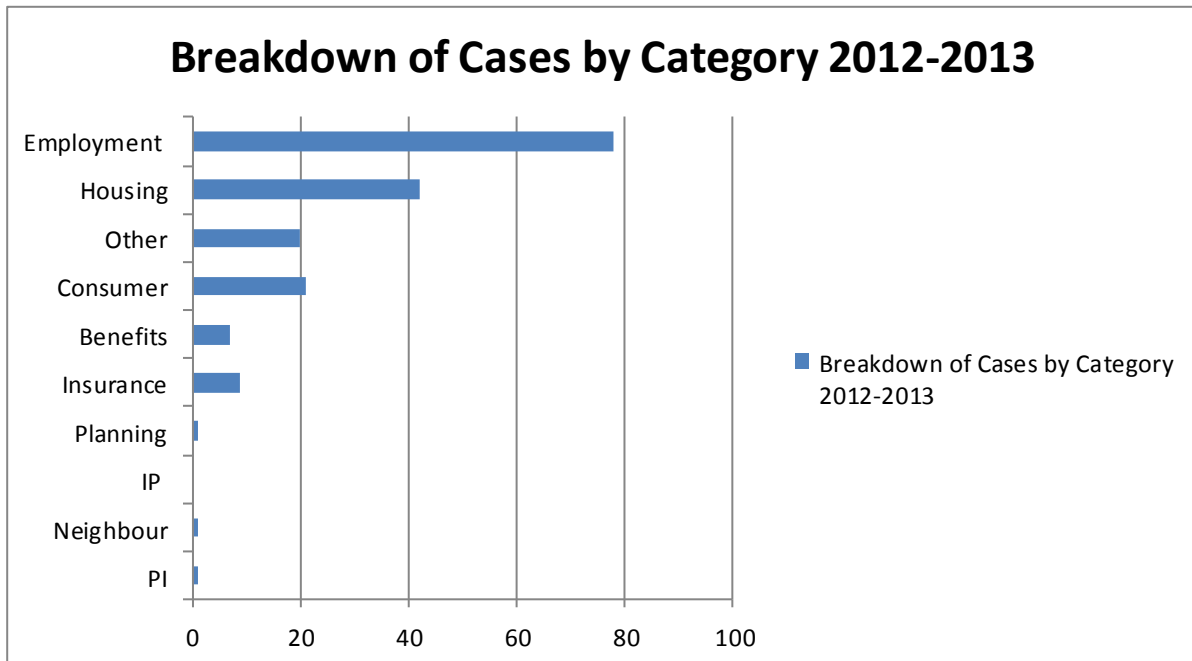
##### **Overview**

The Law Clinic continues to apply strict screening criteria in order to guard against taking on cases with little chance of success, and to reduce the possibility of taking on clients who might potentially be eligible for legal aid or able to afford a solicitor. Despite this selectiveness, student advisors of the Law Clinic took on 180 new cases in the last year (in addition to the 161 cases handled at our evening Initial Advice Clinics - see section 6, below). This represents an average of 15 cases every month, which is an increase from 12.3 cases per month for the previous year. But even in light of this increase in cases, the cases remain as complex and demanding as ever. 28% of cases closed by the Clinic in the 2012/13 period went to Court, Tribunal or negotiated settlement, but 54.2% of the recorded time spent on Clinic casework was devoted to these cases (2086.15 hours out of 3849 hours for cases closed in this period).

As in previous years, the vast majority of cases opened by the Law Clinic continue to involve housing law (42 cases or 23%), consumer law (21 cases or 12%) and employment law (78 or 43%). 2011/12 saw a substantial increase in the number of employment law cases for the Clinic and this has remained high in 2012/13. Increases have occurred this year in cases arising from housing law and consumer law and the numbers of cases taken on by the Clinic has doubled in the areas of both insurance and benefits. Apart from these areas, cases were



fairly evenly spread over a wide variety of other subject areas, as the following tables demonstrate.



### Comparison of case types, 2010/2011-2012/2013

Category	2011-2012 (12 months)	2012-2013 (12 months)	Percentage Change
Employment	<b>61</b> (42%)	<b>78</b> (43%)	+1%
Housing	<b>35</b> (24%)	<b>42</b> (23%)	-1%
Consumer	<b>17</b> (12%)	<b>21</b> (12%)	+0%
Planning/Environmental	<b>2</b> (1%)	<b>1</b> (0.5%)	-0.5%
Insurance	<b>3</b> (2%)	<b>9</b> (5%)	+3%
Benefits	<b>5</b> (3.5%)	<b>7</b> (4%)	+0.5%
IP	<b>1</b> (1%)	<b>0</b> (0%)	-1%
Neighbour Disputes	<b>0</b> (0%)	<b>1</b> (0.5%)	+0.5%
Personal Injury	<b>0</b> (0%)	<b>1</b> (0.5%)	+0.5%
Other/misc	<b>24</b> (16%)	<b>20</b> (11%)	-5%
<b>Period Total:</b>	<b>148</b>	<b>180</b>	<b>+21.6%</b>
<b>Monthly Average:</b>	<b>12</b>	<b>15</b>	<b>+25%</b>

## **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 others have cases 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, but which also provide clients with a satisfactory sense of obtaining justice. These include:

- £8,707.90 in an unfair dismissal case, fought and won by Law Clinic students at the Employment Tribunal;
- £7,000 plus a good reference for an employment case. This was achieved through Judicial Mediation – The Clinic's first experience of this;
- Victory at The Nursing and Midwifery Council which resulted in the client, a staff nurse, keeping her job and continuing with her 25 year career.

Overall, the Law Clinic was able to win or save for its clients a total of £91,347.09. This is a decrease from £114,009.39 in 2011-12. However, it should 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 certain issues and, where necessary, the Law Clinic accompanies the client to the new advisor to ensure that they understand the advice given and are comfortable with the new advisor.

Nevertheless, of the 132 cases closed in 2012/13 in which some assistance could be given over above the giving of advice, only 9 were unsuccessful, amounting to a rate of 93% of cases which client objectives were fully or partially successful.

## **Client Feedback**

The client feedback sheets which were introduced in 2011/12 have continued to allow us to monitor the standard to which we identify and serve the needs of our clients through 2012/13. As these examples show, we have continued to work in a way which has resulted in a high level of client satisfaction:

*"Thank you so much for all your hard work and the commitment you gave to my case, for all the support and excellent advice. Also thank you for believing me and helping me at a truly awful time in my life. WE WON!! I got the justice I wanted. Thanks to the Law Clinic and its excellent expertise and wonderful staff."*

*“From the very start of me attending the office I found the girls to be extremely professional, listening with empathy to my story. It was a really bad time for me and I felt that someone was listening to me as I had no help from other agencies, only grief. They probably put my faith back in humanity! The letters and phone calls helped me immensely, to which I am truly grateful. Thank you.”*

*“They put a lot of work into ensuring our success...both an excellent partnership...so well prepared...once again, thank you all.”*

### **Employment Support Allowance and Disability Living Allowance Appeals**

In 2011, the Law Clinic was approached by a Welfare Rights Officer of the Glasgow Welfare Rights Service, who reported that there was a growing problem in relation to Employment Support Allowance and Disability Living Allowance Appeals, arising from the withdrawal of entitlement. All people in this position have a right of appeal, but it appears that many are failing to take advantage of these rights. Furthermore, those who do appeal are poorly prepared and unrepresented. , following financial support from the Alumni Fund, the Law Clinic commenced representing clients at the Appeals Tribunal in 2012. The Clinic’s work in this field continued throughout 2012-2013. Advisors assisted three different clients with their issues in relation to appealing decisions on benefits. One client required to be represented at the Benefits Appeals Tribunal. The outcome of the appeal was successful and the client’s benefits were restarted.

## **6. Projects**

### **Initial Advice Clinics**

The Initial Advice Clinics, which have now been running for five years, provide drop-in sessions to the public where they can obtain legal advice from a qualified solicitor. This year, the IACs continued to run two sessions per month, one taking place in the Mitchell Library and the other in the Law School. However, despite there being no change from last year in the number of locations or number of sessions offered, the IACs have seen a remarkable growth in attendance. Whilst the number of clients who were helped by our IACs was record breaking at 87 last year, in 2012/13 this number increased to 161, an almost twofold increase. Following research by the IAC project manager, it seems that this increase can be attributed to the systematic referral system established by the Law Clinic’s Administrator and to word of mouth promotion, with many new clients saying they had been pointed in the direction of the IAC by the Sheriff Court, Employment Tribunal or by a former IAC attendee.

But this increase is also a reflection of the ever growing need for free legal advice among a public unable to afford legal fees, and it is a testament to the Law Clinic’s resourcefulness that it has been able to accommodate such a sharp increase in attendance despite there

being no increase in available resources. However, further expansion is still required and the IAC project manager has developed a plan for the coming year to explore the ways in which the IACs can be expanded to meet this need. Through the IACs the Law Clinic maintains close links with legal professionals willing to volunteer their time, a significant percentage of whom are Law Clinic Alumni. The project manager plans to increase the number of volunteers, in terms of both students and professionals, develop the sessions themselves to cover more areas of law such as criminal and family law and increase the number of sessions on offer by seeking out new locations.

### **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. These rights relate to how and when a conviction may become 'spent' for the purposes of employment i.e. when a person no longer has to declare their conviction when applying for a job. The information is given through a PowerPoint presentation and reinforced with hand-outs. .

Since its pilot year in 2010, the Prisons Project grew steadily with students giving monthly presentations to the inmates of Her Majesty's Young Offender's Institution Polmont and Her Majesty's Prison Barlinnie. However, 2012/13 saw a significant acceleration in the development of this project, thanks to the establishment of a working group comprising of student volunteers, who worked hard to focus on what prisoners want and need to gain most from the presentations. As a result of this work, the content of the 1974 Act presentation was reformatted and improved and plans to inform the inmates about their rights and responsibilities under more areas of law have been set in motion, with presentations on housing now ready to be delivered. The working group also reassessed the project's effectiveness, concluding that the work of the project was not being delivered to the right audience in Barlinnie, and that in order to meet existing needs in other prisons, it would be best to focus on expanding to other prisons instead of continuing at Barlinnie. As a result of this refocus, the project has increased the number of prisoners it was able to reach in Polmont from 130 (from 100 last year) and has extended its reach by forging links with four new prisons: Kilmarnock, Greenock, Low Moss and Corton Vale (our first link with a women's prison). The working group projects that as a result of the groundwork laid in 2012/13, the project will be able to reach approximately 2,200 prisoners by the end of 2013/14.

Another development this year was that plans have been formed to increase the kinds of services the Law Clinic can offer the inmates. The project intends to begin to run regular Initial Advice Clinics at Corton Vale so that the inmates can receive on-the-spot advice from qualified solicitors on a range of matters not covered by the project's presentations.

## **Innocence Project**

The University of Strathclyde Innocence Project (IP), a branch of the Innocence Network UK, involves investigating cases of alleged miscarriages of justice in order to decide whether a case be made to the Scottish Criminal Cases Review Commission (SCCRC) to seek an appeal from conviction. Members of the project have been engaged with a single client since the formation of the IP in early 2011. They have sought to analyse comprehensively every aspect of his case in order to assess whether a case can be submitted to the SCCRC. This has involved reading through all documentation for the case – i.e. interview transcripts, witness accounts and previous grounds of appeal - looking for aspects which merited further investigation, such as the viewing of CCTV footage, locating, and re-interviewing key witnesses, obtaining forensic test of weapons involved, and researching relevant areas of law. The IP continues with its research and investigation of this case. While the nature of the work can sometimes dictate that the momentum of the project can become frustratingly slow, the members remain as determined and enthusiastic as ever. The Law Clinic's student advisors remain the driving force behind the project.

## **The Schools Project**

This project aims to provide information on important legal issues to school pupils. Since its launch in 2011, with the help of the Alumni Fund, the Schools Project has expanded at an astonishing rate. In 2012/2013, the Law Clinic doubled its number of school contacts. In addition to visiting Hermitage Academy in Helensburgh, Govan High School and Our Lady and Saint Patrick's High School in Dumbarton, as it had in previous years, the project has now established links with Castlemilk High School, Drumchapel High School and St Roch's Secondary School in Royston. As a result of this increase, the Schools Project reached nearly 1000 pupils - a ten-fold increase on the previous academic year. As well as continuing to deliver interactive presentations on cyber-bullying, the project has now begun to address two new topics: employment issues and drug and alcohol abuse. The presentations are delivered through a series of sessions which include, mock trials, quizzes and negotiation sessions, all designed to create an engaging, stimulating and efficient experience for the young people involved. Additionally, we hope that students will develop knowledge and understanding of the law, participate in group and whole-class debates and discussions, and work individually and in groups, taking on different roles and responsibilities. Following a very successful year, the project hopes to expand on members and the variety of information provided, with a view to reaching another 1000 students in the next academic year. Staff regularly feed back that sessions are a great experience which is enjoyed by all pupils.

## **The Online Project**

Our innovative new Online Project is in its early stages of development. The service aims to give basic preliminary advice to enquiries submitted via USLC website. We anticipate this will meet wider access to justice needs by breaking down barriers and reaching out to disabled people, the elderly and rural communities. Upon its launch in Autumn 2013 the Online Project will enable the USLC to respond to a catalogue of legal problems online. The website will also contain an online library of legal resources which can be accessed by the public, offering standard information e.g. Employment Tribunal time scales and procedures, small claims procedure, and consumer advice.

## **7. External Projects**

### **Scottish University Law Clinic Network**

The Scottish University Law Clinic Network (SULCN) was the brainchild of three student directors of different law clinics, including our own Hannah Cosgrove. It was formally launched by Dame Elish Angiolini QC in June 2012 with the aim of enhancing access to justice by raising awareness of the work that we and our fellow Law Clinics do, drawing attention to the service we provide to the public and encouraging as well as facilitating others to establish Law Clinics within their own universities. SULCN also provides a forum for the exchange of ideas between Law Clinics on subjects such as ethics, public legal education and clinical legal education. In June 2013 the University of Strathclyde hosted SULCN's second annual Roundtable event which consisted of a day of workshops, seminars, debates and discussions as well as a celebration of SULCN's first anniversary. As part of the day's programme of events, teaching was provided by Professor David McQuoid-Mason of the University of KwaZulu-Natal and by Ed O'Brien, Executive Director Emeritus of Street Law Inc., Washington, both of whom focused on why and how street law should be brought to as many members of the public as possible.

### **Terrence Higgins Trust**

Throughout 2012/13 the Clinic continued to maintain its link with the Terrence Higgins Trust (THT). The THT is a long standing and hugely respected charity set up aid and support people who are affected by HIV, AIDS or Hepatitis C. Since the definitions of 'disabilities' in legislation changed and changes were made to housing and benefits, it is no surprise that the Trust has service users that require legal advice or representation. Although doing its best to meet these needs, the THT's ability to provide legal assistance remains limited. Consequently, it has sought assistance from the Clinic in this regard. The Trust continues to provide awareness training to groups of students in the Clinic and the Trust continues to refer clients to us. Owing to the sensitive nature of the issues being faced by those referred to us by the Trust, we cannot gauge the exact number of referrals as there is no requirement for a client to disclose this confidential information.

## **8. Education**

### **The Clinical LLB**

In June 2013, three of the first students to embark on the University of Strathclyde's innovative new Clinical LLB successfully graduated from the course. This unique degree path has been available from September 2011. It allows students who have been admitted into the Law Clinic to integrate their conduct of Clinic cases with their academic learning. Clinical LLB students take the standard LLB, but in addition, take: 1) four compulsory Clinical classes, two of which incorporate skills and ethics teaching into existing LLB classes, one of which involves reflection on the ethics and justice of law and legal practice and finally another which provides students with credit and a mark for performance in their Clinic cases and the keeping of a reflective diary on their clinical experiences; 2) two additional standard LLB classes in which they replace part of the assessment in each class with reflection on a case relevant to the subject area of the class.

In order to prevent the volunteerist nature of the Clinic being substantially diluted, numbers allowed onto the Clinical LLB are limited to no more than the equivalent number of volunteers and no priority is given to Clinical LLB in the taking on of cases or in any other way. The only differences will be that their performance in handling cases (and in reflecting on such handling as well as the justice of law and ethics of practice) will be assessed and that training sessions optional for volunteers will be compulsory for Clinical LLB students.

As Clinic membership now acts a gateway to entry onto the Clinical LLB, it continues to be a requirement that all applicants have to be interviewed by academic staff. In 2012/13 the Clinic recruited 18 new students to the Clinical LLB. Reflecting on why she chose to study the CLLB instead of the LLB, Clara Smeaton said:

*"I chose to do the CLLB because at Graduate Entry level you only get two years to get much as you can out of your degree. The CLLB means you do extra training and get practical experience on which you are assessed. This is an important difference from extra-curricular things like Mooting or debating.*

*Not only are we assessed on essays to the same extent as our non-Clinical peers, but on the CLLB we get to do more useful, challenging assessments like advocacy and written pleadings, whilst still doing other standard course work as well - the best of both worlds! When I had to write pleadings for an ET hearing I had something to start from and didn't feel like I was going in blind. Also, doing things like keeping a diary of your clinic work helps to remind you of what you have learned during the course of casework and helps you put it into context with your academic studies."*

Although only three students graduated in the Summer of 2013 with the Clinical LLB, others are still working their way to graduating with the Clinical LLB (Hons) degree in one or two year's times.

Those who completed the Clinical LLB have spoken in a very positive manner about their experiences. In a recent article on the subject for Law Clinic's newsletter Ben Sheppard, wrote:

*"As I advanced on the CLLB I realised it gave me the opportunity to research real life problems I was experiencing whilst working as a student advisor in the Law Clinic. I was afforded the flexibility to advance my knowledge in this area whilst gaining academic credits, allowing me to bypass a standard LLB essay question in the relevant module. The flexibility was invaluable, as my interest in the subject was a lot higher due to its relevance to me. Having to conduct a greater deal of self-study was also far more rewarding."*

However, it has not only been the Clinical LLB students who have benefitted. The Clinical LLB also has considerable advantages for clients in terms of increased level of skill and ethical awareness of advisors. Thus while additional classes on ethics, negotiation, mediation and advocacy have been developed for the Clinic LLB, these can now be taken by all in-coming advisors. Moreover, sessions teaching other skills such as Employment Tribunal procedure



which are optional for all volunteers will be compulsory for Clinical LLB students, thus increasing the overall level of training undertaken in the Clinic.

## **9. Awards and Highlights**

### **Attorney General & LawWorks Student Awards 2013**

This year's LawWorks and Attorney General Student Awards took place at The House of Commons in March. Students Andrew Maxwell, Patrick Campbell, Greg Cunningham Hannah Cosgrove and Laura Ferguson travelled to the ceremony and were proud to bring home the results. The Law Clinic was highly commended for the Best Law School award. Student Director 2011-12 and 2012-13, Hannah Cosgrove, was the deserved winner of Best Individual Student Award. As Student Director for the last two years Hannah was instrumental in launching the Scottish Universities' Law Clinic Network, and took the lead in establishing our Schools Project, setting up the links with the Terence Higgins Trust and establishing the Bathgate outreach clinic (in which over the summer of 2011 saw students travelling to Bathgate to provide legal services), The Law Clinic has seen success at the LawWorks and Attorney General Awards in previous years. In 2012 our Executive Committee were awarded Best Contribution by a Team of Students and the USLC won the award for the Best Contribution by a Law School in 2009 and the award for Best Contribution by an Individual Student in 2011.

### **Times Higher Education Awards**

In November 2012 the USLC was shortlisted for the Times Higher Education award for Outstanding Contribution to the Community. While we did not win, we were a significant part of the University's winning bid for University of the Year.

### **Herald Society Awards**

Success finally came later in November 2012 when the USLC won Team of the Year at the Herald Society Awards 2012. Congratulating the Clinic on its success, the judges said, "A worthy winner and an award that is a true testament to the work carried out daily by the entire Clinic".

### **Youngest ever student to lead in Small Claims action and win**

The Law Clinic has provided representation on many cases in the Small Claims court in the course of its 10 year history. Most notably, this year, one client raised proceedings against a powerful car dealership when they failed to fulfil their contractual obligations to him as agreed under the Motability scheme. 18 year old Laura Russell took the lead in the case which aimed to recover the amount due to the client and together with her co-advisor Stacey Martin, they were successful.

### **1000<sup>th</sup> case celebration**

In October 2012, the Law Clinic celebrated its 1000th case. Alumni and supporters were treated to a number of uplifting and amusing speeches from Donald, Hannah, Frances McMenamin QC and University Depute Principal Professor Kenny Miller, all of which highlighted the value of the work the clinic performs.

While it was certainly felt that the 1000<sup>th</sup> case marked a milestone in the Clinic's history, it was also remarked that each case represented a client who was assisted and that this human element was the true cause for celebration.

The event was a fantastic opportunity to celebrate the vast contribution made by students over the years, and the attendance and feedback highlighted the support the Law Clinic has in the wider legal community.

## **AGM**

The Law Clinic's AGM took place on 6<sup>th</sup> November 2013. Along with the usual business of taking stock of the last year as a whole, prizes were presented to those members of the Law Clinic who were chosen by their fellow advisors for extra recognition.

### The Effie Shaw Award

This year the Clinic was delighted to introduce a new award, namely, the Effie Shaw award for Dedication. In a previous life, Effie was the smallest police officer ever and the inspiration for Effie in 'Take the High Road' but who became involved with the Law Clinic as a volunteer at Central Glasgow CAB. She came to it after years of work in employment cases which had seen her become a formidable fighter for worker rights and an expert in employment law. She wanted to continue the fight but her health no longer allowed her to appear in court. So the Law Clinic entered into collaboration with her to take on her cases that needed to be argued and, in doing so, benefitted from her years of knowledge and was inspired by her dedication.

### The winners were as follows:

Best Newcomer: Jacob Hay

Best Advisor: Michael Dempsey

Best Case: McL (Katie Souter/Emma Watson/Andrew Maxwell)

The Amanda Benstock Award for Compassion: Jacky Wall

Effie Shaw Award for Dedication: Craig Leslie

Best Overall Contribution: Andrew Maxwell

The occasion was made particularly special by the presence of the family of Amanda Benstock, in whose name the Law Clinic's Compassion Award is given. It was an honour that they wished to attend, and the Law Clinic would like to thank them, and Mr Benstock in particular, for his touching speech and for presenting the award to the recipient.

## 10. Finances – Funding & Expenditure

As in previous years, the Law Clinic has been funded in 2012/2013 by a variety of sources. We are most grateful to continue to receive donations from our regular supporters the Graduate Association (£10,000), the Alumni Fund, and, for the sixth year in a row we received a donation from DLA Piper, of £2,000.

**Financial Details:** 1 August 2012 – 31 July 2013

<b>Deficit carried forward from 2011-2012</b>		<b>-£93,433.13</b>
<b>Income</b>		<b>£31,106.12</b>
<b>Expenditure</b>		<b>£87,743.27</b>
	<b>Balance</b>	<b>-£150,070.28</b>
<b>Income</b>		
Donations:		
Principal	£10,000.00	
General Donations	£6,540.49	
DLA	£2,000.00	
Bathgate Pilot	£4,000.00	
Tax(Gift Aid)	£691.53	
Fundraising	£324.60	
Alumni (New computers)	£7,549.50	
	<b>Total</b>	<b>£31,106.12</b>
<b>Expenditure</b>		
<b>Staff:</b>		
Permanent Staff	£66,243.57	
Seasonal Staff	£9,127.55	
<b>Sub-total</b>	<b>£75,371.12</b>	
<b>Other:</b>		
Travel and Accommodation	£1,636.56	
Stationery	£336.68	
Prizes/Gifts	£100.00	
Training	£117.54	
Insurance (AdviceUK)	£481.00	
Office Equipment – Photocopier costs	£2,168.15	
New Computers	£6,069.31	
Mail costs	£532.17	
Events	£819.00	
Petty Cash	£112.54	
<b>Sub-total</b>	<b>£12,372.15</b>	
	<b>Total</b>	<b>£87,743.27</b>

## **11. Future developments**

### **Community Legal Engagement Class**

Last year, the University's Education Excellence Fund panel allocated £13,800 to the Law Clinic to develop a Community Legal Engagement class. Consequently, research is currently being conducted on how to build on the valuable learning experience Law Clinic students currently gain by extending the number of students involved in active learning through legal work in the community. Currently, the 180 or so students admitted to the Law Clinic acquire legal skills usually only gained in practice and knowledge of how law operates in practice. They can also build on their experiences through reflection on legal practice in the Clinical Legal Practice course and in the Clinical LLB which embed skills training and reflection on the operation and ethics of law throughout the LLB. However, the fact that we currently turn away one out of two applicants suggests that far more students would like to benefit from this form of active learning. Moreover, we currently do not use the various public legal education and other projects for any educational purposes.

Consequently, it is intended to address both these issues through a proposed Community Legal Engagement class, which will enable students to learn from their community involvement through exposure to and reflection on issues of social justice. Such experience could involve, in the case of Law Clinic members, one of our existing community legal projects or, in the case of non-Clinic members, a placement with an outside agency engaged in social justice work. To this end, students were placed at Citizens Advice Direct and Rutherglen Citizens Advice Bureau in successful pilots for the class. It is hoped that once planning has been completed the class will be available from January 2014.

### **Mediation**

The University of Strathclyde's Mediation Clinic was established in 2011 by Professor Charlie Irvine. It offers a pro bono mediation service to clients and provides students on Professor Irvine's MSc in Mediation and Conflict Resolution with vital experience. This has proved a most valuable service. Mediation provides parties to a dispute with a forum to discuss their issues, options and a mutually acceptable solution. It can therefore be a lot faster, less formal and more amicable than court or tribunal actions. Many of the cases with which the Law Clinic is concerned could benefit greatly from mediation for a number of reasons. First, the majority of our cases centre on employment or landlord/tenant disputes, where the parties may wish to continue their existing relationship and therefore wish to avoid potentially hostile litigation. Secondly, we act for many individuals who are either marginalised or have English as their second language, and for these reasons would benefit from a less formal environment in which to put their views across. Finally, the Law Clinic is the last resort for many of our clients and thus their disputes may already be quite protracted, making a speedier process attractive. Before the existence of the Mediation Clinic we did not have the resources available to meet the need for Mediation among many of our clients. This new link with the Mediation Clinic has meant that we were able to make referrals for 7 of our clients and thus they were able to pursue alternative forms of resolution to their disputes.

## **12. 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. The Law Clinic would like to thank the Alumni Association for its continued financial support and the Graduates Association for its long-standing financial support.

The Law Clinic is very fortunate to receive a large amount of assistance by way of training. Here we would like to thank Professor David McQuoid-Mason, Professor Charles Hennessy, David Hoey, Walker Love Sheriff Officers (and Chris Bell), Charlie Irvine, Bridget McCann, Dr Carole Allan, Stephen Farrell, Jacqueline Fox, Margaret Gilroy, Gillian Mawdsley, Judge Ian MacPherson, Kenneth Campbell QC and John Hamilton QC, as well as the Legal Services Agency who make available their own training sessions for Law Clinic members at 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 us with useful backup advice, and solicitors for our IACs and work on cases. Backup advice was also provided by McGrade's, Charles Hennessy, David Martyn, Innes Clark of Morton Fraser and David Hoey. 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. We would also like to extend a thank you to Alasdair Stewart for the provision of, and continuing assistance with, our Case Management System.

Finally, we would like to thank the Supervisory Committee for giving up their time and the benefit of their experience, the Principal, Sir Jim MacDonald, and 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 2012-2013, in addition to the Director, the Law Clinic had three staff members:

Supervisor	Annabell Fowles	19.5 hours per week
Supervisor	Kathleen Laverty	22.5 hours per week
Administrator	Diane Inglis	35 hours

## Appendix 2 - Committee Membership

### Supervisory Committee

The Supervisory Committee (previously called 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
	Dame Elish Angiolini QC	Visiting Professor
	Alasdair Stewart	South West London Law Centres

### Executive Committee

The Executive Committee is responsible for the day to day running of the Law Clinic. It comprises the Clinic Director, Supervisors, Student Director and Deputy Student Director, the six firm managers, along with students appointed to take responsibility for different areas aspects of Clinic management and seven members elected at the AGM in October each year.

**Student Members: April 2012 - April 2013**

Student Director	Hannah Cosgrove	
Deputy Student Director	Patrick Campbell	
Case Manager	Lindsay Kirkwood	(Firm A)
Case Manager	Laura MacSporran	(Firm B)
Case Manager	Elise Lang	(Firm C)
Case Manager	Andrew Ross	(Firm D)
Case Manager	Greg Cunningham	(Firm E)
Case Manager	Rachel Leggett	(Firm F)
IT Officer	Andrew Maxwell	
Training Officer	Laura Ferguson	
Fundraising Officer	Amanda Ferguson	
Communications Officer	Lorna Stevens	
Elected	Jacob Hay	
Elected	Greg Coburn	
Elected	Thomas Jamieson	
Elected	Adil Saeed	
Elected	George McLaughlin	
Elected	Michael Dempsey	
Elected	Fiona Dorman	