



# NEWSLETTER

MAY 2013

This Newsletter shows the Law Clinic members at their best – innovative, committed and fearless in the fight for justice. We see the autonomy and responsibility given to the students pay off in two exciting developments. First, the link-up with the Terence Higgins Trust to provide a bespoke legal service to its users was entirely due to the inspiration and efforts of Greg Coburn. Secondly, Student Director, Hannah Cosgrove was central in launching the Scottish Universities' Law Clinic Network, designed to allow the sharing of ideas and collaborative efforts to enhance the role university law clinics can play in addressing problems of access to justice.

Another good example of the constant desire to expand service to the community is the piloting last summer of an outreach clinic in Bathgate; an area starved of free legal services. Finally, as regards student courage, Osman Khan's story of how he and two other students ventured into the virgin territory of a disciplinary hearing to safeguard a nurse's career shows the extent to which our students are prepared to put themselves on the line in the interests of others.



Of course, helping others is reward enough in itself, but it is always satisfying to gain the sort of external recognition we have received in recent months. The highlights are obviously the Herald award for the Society Team of the Year and Hannah's winning of the LawWorks Best Contribution by an Individual Student, but every time we are nominated alongside other major national charities, we show how quickly we have become an important part of the social justice landscape.

**Donald Nicolson**  
Law Clinic Director

## 1000<sup>th</sup> Case Event



In October 2012, the Law Clinic celebrated its 1000th case. Alumni and supporters were treated to a number of uplifting and amusing speeches. Donald spoke of our humble beginnings - a few students and himself sharing a dream to enhance access to justice. Hannah brought us right up to date by outlining how we have expanded into public legal education and fighting miscarriages of justice. Later, Frances McMenemy QC and Professor Kenny Miller, University Deputy Principal, congratulated the Clinic on its achievements. In between, six Clinic alumni shared their experiences of working on particularly notable cases.

The key message they conveyed was that a thousand cases are not a statistical bragging point. They are a thousand clients helped. Whether it is an employment issue that consumes them and has them calling the Clinic daily, as described by Callum Hiller and Virginia Toyi, or whether someone's home is threatened as Michael Anderson and Jennifer Wallace discussed, or a simple consumer issue that is the tip of a sentimental iceberg, like the story told by Stuart Kelly, all were major events in the client's life. This is no less so in the Clinic's first case in which Jacqui Spiers was able to save the day for a bride-to-be provided with an ill-fitting dress. Moreover, it is not only the material gains achieved for clients (an employment tribunal award of almost £70,000 in Callum's case) that are so important. After gaining a settlement of £45,000 through mediation, Virginia's client was able to gain psychological closure by shaking the hand of the employer he once detested. And one can only imagine the relief that Michael's client must have felt when saved from eviction.



While many have generously given invaluable help in serving our clients, ultimately it has been the hundreds of students interviewing, answering phones, writing letters, photocopying, researching, preparing bundles, filling out forms and appearing in court that has made the difference to our community. Well done everyone! When you get the chance, raise a glass (as some of us did after the event) to the Law Clinic and to helping another thousand clients.

**Andrew Ross**  
Case Manager

# Awards



The past year has seen more external recognition for the Clinic's achievements. First, we were shortlisted as Charity of the Year for the Scottish Council of Voluntary Organisation awards in June 2012, losing out to Alzheimer's Scotland and in competition with other major national charities. Then in October we were runners-up in the Community Champion Team Award category at the Glasgow Evening Times Community Champions Awards. In November, we were shortlisted for the Times Higher Education annual awards for an Outstanding Contribution to the Community. While again we did not win, we were a significant part of the University's winning bid as University of the Year and attended the award ceremony. Success finally came in the same month, when we won Team of the Year at the Herald Society Awards 2012, with the judges commenting: "A worthy winner and an award that is a true testament to the work carried out daily by the entire Clinic".

Then in March 2013, following previous success at the LawWorks & Attorney General Student Pro Bono awards, a UK-wide event, which saw the Law Clinic win Best Law School in 2009, Best Contribution by an Individual Student (Alasdair Stewart) in 2011 and Best Contribution by a Student Team in 2012, the Clinic was Highly Commended for the Best Law School award and Hannah Cosgrove was the deserved winner of the Best Individual Student Award.

As Student Director for the last two years, Hannah was instrumental in launching the Scottish Universities' Law Clinic Network, and has taken the lead in establishing our Schools Project, setting up links with the Terence Higgins Trust and establishing the Bathgate outreach clinic. She reacted by saying: "I am absolutely delighted, not only to have received this award, but to have been able to make a genuine difference to people who would otherwise have been denied access to justice. However, the work that I have undertaken would not have been possible without the support and effort of all in the Clinic and the University of Strathclyde itself."

**Laura Ferguson  
Training Officer**





# Annual General Meeting

This year's Annual General Meeting was held on Wednesday 14 November, and was another great success, bringing together all members to hear of the year's case highlights discussed on page 5 and celebrate the successes discussed on page 3.

In addition, an important part of the AGM involves honouring the immense amount of work that our advisors put in. This year the deserving recipients of our student awards were:-

- Best Newcomer – Michael Dempsey
- Case of the Year – Virginia Toyi, Isabelle Clark and Donnie Campbell
- Best Advisor – Greg Cunningham
- Best Overall Contribution – Laura Ferguson.



This year also saw the inauguration of the Amanda Benstock Award for Care and Compassion, set up in on honour of our previous Clinic administrator, who very sadly we lost to cancer in May 2012.



This award went to Maria MacLeod – a well deserved winner. In making the announcement, Kate Laverty, Clinic Supervisor, said: “Amanda Benstock who started with us by filling a gap at very short notice, quickly became an invaluable part of the Clinic. She was employed as our administrator, but she was also our ‘mother’ figure, caring for students, clients, and her colleagues. This prize is in honour of her and reflects an attribute which meant a lot to her and to us all in the Clinic – compassion.”

**Patrick Campbell**  
Deputy Student Director

# Cases

## Success at Nursing and Midwifery Council

As a new Clinic member I could not have asked for a better first case when paired with Carla McGuire (and later joined by Stephen Rice) to defend a staff nurse who faced being struck off the nursing register for making a mistake on duty. She faced ending her 25 year long involvement in nursing, and all her requests for representation from the Nursing and Midwifery Council (NMC) had been turned down. She told us that if we could not help her, she would give up as she felt unable to get her point across in public. Under Kate Laverty's guidance, we thoroughly researched the vast amount of paperwork and external resources, including the unfamiliar and very formal NMC procedure.

The hearing took place before three panel members, assisted by a legal assessor. Ultimately, after two grueling days establishing the facts, arguing over whether they justified a finding of impairment in fitness to practice, and raising mitigating circumstances, our client was reinstated onto the register and allowed to practice again. She was extremely grateful for the Clinic's efforts, which were also commended by Christopher Smith WS, the NMC's legal assessor: "It was clear to all those who observed them that the students provided their client with a highly professional service. Their performance and legal skills reflect very highly on the University of Strathclyde." **Osman Khan, Adviser**



## Case Highlights

In the 2011-12 academic session, the Law Clinic took on 148 clients, at an average of 12.3 per month. Although down from the 12.75 cases per month in the previous year, this is largely due to the increase in employment cases (42% of the total) whose significance and complexity require more work than most other cases. Overall, we were able to win or save for our clients a total of £114,009.39, though we also provided assistance in numerous other ways, such as equipping clients with the knowledge to help themselves and referring them to organisations which can address their non-legal problems. Of the 58 cases closed in 2011/12 in which some assistance could be given over above the giving of advice, 91% of client objectives were fully or partially met.

**Hannah Cosgrove, Student Director**

## Mediation Link Up



I recently took part in my first mediation session in the Law Clinic. Our client had an employment dispute stemming from a disagreement over whether she had resigned at a meeting with her manager. The case seemed ideal for mediation via the University of Strathclyde Mediation Clinic, recently set up by Visiting Professor Charlie Irvine, who also developed the Law School's new MSc in Mediation and Conflict Resolution, and chairs the Scottish Mediation Network.

The tribunal date was fast approaching when we attended the offices of Morton Fraser - a fair sight more opulent than our humble digs! The mediators began by trying to get to the core of the dispute, but this was no easy task.

After unsuccessfully going back and forth for some time, they broke up the meeting, separated the parties, and began shuttle negotiations. This eventually led to a mutually agreeable settlement, and the avoidance of all the time, stress and cost of a tribunal hearing.

The client was delighted, showing that there is certainly a place for mediation in the Clinic's services. Of course some issues or parties may not be amenable to mediation and some kinks remain to be ironed out, but I am sure that we can look forward to a fruitful relationship with the Mediation Clinic.

**Patrick Campbell, Deputy Student Director**

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## The Bathgate Pilot



In Spring 2012, we were approached by the Financial Inclusion Network (FIN), a charity funded mainly by West Lothian Council to improve services for its residents. One of their biggest challenges was the dearth of legal services for those who cannot afford a solicitor. Consequently, FIN offered us funding to pilot an outreach clinic in West Lothian providing our usual services to people who could not afford to travel to us. For the next 12 weeks, the Law Clinic had a second office.

We managed to interview between 2-4 clients per week, seeing 31 clients in all and representing 11 of them in pursuing their rights, including the successful representation of one client at the Employment Tribunal in Edinburgh. This not only took the Clinic into new territory, but helped a client who would not otherwise have received access to justice. We now await to see if FIN can find the necessary funding to enable us to expand our geographical reach on a more permanent basis.

**Greg Cunningham, Case Manager**



# Terence Higgins Trust



When I joined the Law Clinic I was already a volunteer at the Terence Higgins Trust (THT), helping those affected by blood-borne viruses. I noticed that there were obvious legal challenges facing THT service users who face stigma and discrimination in accessing legal services. My idea was simple: to remove the burden from THT staff who were not equipped to adequately help; and to ensure that those affected by HIV, Aids or Hepatitis C obtain the best possible legal services. Unsurprisingly, this idea was enthusiastically received by the Clinic.

Already a number of clients have benefitted from the help of Clinic members, who have received training to ensure that they are sensitive to the needs of potential clients. The benefits of this collaboration are neatly summarised by Alison Lord, THT Centre Manager: “People living with HIV frequently tell us that they are scared to access mainstream services because of fear of discrimination and of being judged. To have access to legal advice at the Law Clinic, knowing that the service is supported by THT Scotland, makes the world of difference to positive people. Already the feedback has been great: it means so much to our service users that they know they can speak frankly and openly in the knowledge that they will receive the best possible service from workers who have been trained in HIV awareness.”

**Greg Coburn, Deputy Communications Officer**

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## Scottish University Law Clinic Network



Last year, I got together with Eamon Keane, Student Director of Dundee Law Clinic, and Ryan Whelan, founder of the Aberdeen Law Project, with the aim of sharing knowledge and experience and in this way further enhancing access to justice. We were soon joined by the University of the West of Scotland’s Law Wise Clinic and the Edinburgh University Free Legal Advice Unit; and as a result the Scottish University Law Clinic Network (SULCN) was born.

Wednesday 6 June 2012 saw representatives from each clinic, together with various others interested in access to justice, hold a one day roundtable at the University of the West of Scotland on running law clinics and clinical legal education. This was followed by SULCN’s official launch by former Lord Advocate, Dame Elish Angiolini QC. Since then, SULCN members have gathered to share training from Professor David McQuoid-Mason, a pioneer of street law, in anticipation of this year’s roundtable SULCN event in June at our own University where “Street Law” will be the main theme.

**Hannah Cosgrove, Student Director**

## Clinic Connections – David Martyn

I joined the Law Clinic as a mature student in 2008, knowing it was important to squeeze in as many extra-curricular experiences as possible. Of those, the Clinic was the most formative and beneficial, personally and professionally. Within two weeks of joining, I was representing a client who had been dismissed by a powerful (and intimidating) employer following a complex TUPE transfer. I quickly had to learn how to prepare a witness statement, draft pleadings, negotiate with other lawyers and finally, terrifyingly, to represent her at a full hearing, where we won significant damages which she used to set up a new, still flourishing, business.

These were the skills I now use on a daily basis. Looking back, I am confident that I would not be where I am today if it was not for the Clinic and that case. I now work as an employment lawyer with Thompsons, the largest UK trade union law firm. I was offered the job because I could talk from experience about conducting a complex employment tribunal claim. My boss was clear that there is a huge difference between applicants who look good on paper and those who have “walked the walk”. Joining the Clinic is therefore not enough; taking proper responsibility for your cases will make you stand out above other recruits.



But the Clinic’s real importance is not just in developing students (which it does better than any other law programme); it is in addressing problems of access to justice. In my own area, already poorly served by Legal Aid provision, the Coalition is about to bring in reforms which will make it almost impossible for ordinary people to access their employment rights through the courts. The Clinic’s importance has therefore never been greater. I wish the current students every success in their work.

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## Our Supporters

We are extremely grateful to our many supporters. Without them we would not be able to provide vital services to our clients and the community. We therefore would like to thank the Law School, The Faculty of Humanities, Arts and Social Sciences, the Principal, the Alumni Fund, our law firm sponsor DLA Piper, those who make regular monthly donations via our Supporters of the Law Clinic Fund and all those who have helped with training and advice over the years.

If you would like to make a gift to support the Clinic’s vital work, please contact Merle O’Byrne on 0141 548 5840 or via email: [merle.o-byrne@strath.ac.uk](mailto:merle.o-byrne@strath.ac.uk). To donate on-line go to <http://www.alumni.strath.ac.uk/donate> and select ‘Law Clinic’.

To learn more about the Clinic’s work, please visit <http://www.lawclinic.org.uk/>.