

Strathclyde Law Clinic: Plugging the Gaps in Access to Justice in Our Community

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Hi, my name is Kate Laverty, I'm from the University of Strathclyde which is in Glasgow and in Scotland. I hope you can manage my accent especially the interpreters, I'm sure that's not too easy. Thank you very much for inviting me here today, it's fantastic to be in Hong Kong. It's especially nice for me because I lived here for a few years in the 90s. It has changed a lot in 25 years but some things are exactly the same which is lovely to see. So I'm going to tell you about my experience of running a clinic in Scotland, a little bit about who we are and what we do. I'm going to tell you about some ideas our students came up with to help respond to the demand on our services. I'm going to talk a little bit about how our students' strong sense of ownership of the clinic has an impact on what we do at Strathclyde Law Clinic.

So who are we? I will tell you a little bit about our objectives. Our objectives, as you can see, are to provide access to justice through offering legal advice and providing representation, and engaging in public legal education; and to inspire a new generation of legal professionals to be committed to resolving problems of access to justice. You'll note that there is no objective to educate our students. Instead, our aims are to provide access to justice and to inspire our students. So, does this mean that we don't think education is an important aspect of running a clinic? Well, of course not. I wouldn't be here otherwise. We place great value on the educational impact of running a clinic. In fact, I think what is learned from working with real clients is second to none. It's the founding principle of our clinic, and one that permeates everything that we do. The two aims, improving access to justice and educating our students, don't need to be mutually exclusive. In many ways, they sit happily together and complement each other. However, prioritizing the needs of our clients affects a number of important decisions that we make. For example, it affects what cases we take on. We never consider the educational value of a case, but focus on what the client needs. We consider whether or not the client can get help elsewhere, whether or not they would manage without our representation, and the difference our help will make to their case. It affects our decisions on what kind of students we take on. I've just spent the last two weeks assessing our student

applications for the clinic, and we've been interviewing our students. We can only take about a third of the applicants to the clinic. We look closely at their motivations for joining the clinic. If it is all about gaining experience, improving skills, with no awareness of the gaps in access to justice, the difficulties faced by our clients and a desire to give back to their community then they are not accepted to our Clinic. These are important decisions directly affected by our commitment to social justice.

As you can see it's a student-run clinic. When we say this we really mean that students take on a substantial burden in terms of the administration and day to day operation of the Clinic. I will explain this a bit more later. We do this through a large executive committee. The committee is mixture of appointed positions - student directors, a communication officer, a training officer, and a bunch of elected members and a few members of staff. There are about 28 people on that on that executive committee.

Now this came about by necessity rather than design. We needed the students to do all that work because when the clinic was first established it had very few resources. Our resources are still limited but they are better than they were when it was first established. However, I do think that having students run that many of our operations has many benefits for them. It means they're heavily involved, not only in the day to day administration but in policy and strategic decisions. This means they have a strong sense of psychological ownership in the Clinic. I have no doubt that this fuels their dedication and commitment to making a success of the Clinic. Other benefits are the many non-legal skills and experiences gained by our students in organising and running a Clinic such as taking responsibility for strategic decisions, fundraising, reporting, administration in general, communication, nurturing and supporting fellow students – and the list goes on. However, having said that education is not a priority. 2012 saw the introduction of a Clinical programme to Strathclyde. To be honest with you, this was really an attempt to find a way for our very hard working students to get some credit for all that work they were carrying out on a voluntary basis. And also, to try to put the clinic on a more secure footing by embedding the clinic into the teaching programme. The clinical programme is basically the same as our mainstream law degree with some additions, and that includes reflective techniques/ reflective diaries, additional skills training, compulsory ethics and justice class, which is not compulsory in the ordinary undergraduate degree, and of course, credit for all their case work. Initially we were worried that when students were involved in the Clinic for credit, they would not be as committed to their cases. This has not been our experience but the numbers taking

the Clinical degree have remained small with over 70% remaining volunteers who gain no academic credit for their work at the Clinic at all.

So a little bit about the structure of the Clinic. Now at the top of this would sit the law school but I just couldn't squeeze it in because the law school provides the resources for the Clinic, but they have very little to do with the day-to-day operation of the clinic, and the clinic runs in a very autonomous way. So we have a supervisory committee that should really be called an advisory committee, and that is made up of members of our local judiciary, the employment tribunals president, for example, sheriffs from our area local courts, and there are some local solicitor practitioners, some academics, and some staff from the clinic. But we only meet once a year.

Then we have an executive committee. As I said, there's about 28 members, and they take all the policy and strategic decisions and some operational decisions related to the clinic. That is made up overwhelmingly of students with only about 3 staff members on that executive committee. Then we have a management committee that is really myself, and the supervising staff, and our two student directors. That's for the kind of day-to-day urgent decisions that need to be made. There's myself, and then we have supervising solicitors. And then we have two student directors. And then underneath those student directors is the whole executive committee. So we have firm coordinators, because each of our students is put into one of eight firms in the clinic, and each firm is led by a firm coordinator, and they perform a very useful review function. They review every case and their firm once a month to make sure nothing falls between the gaps. We have project managers because we have a number of projects, like our schools education project, a prisons project, and each of those projects has a student project manager. We have a training officer who organizes our induction training and our training throughout the year in the clinic. We have the elected members that I told you about to ensure a democratic balance in the executive committee. We have a communication officer to deal with all our social media our reports and such like. And we have a fundraising officer. So as you can see, a lot of work in our clinic is done by the actual students, and again, that's all on a voluntary basis.

So what people are involved in the Clinic? We have a 180 law clinic volunteers, and as I said, the majority of them don't get any credit for their work, and it's from all year groups. That's from first year and many of our students are still with us in fifth year. There's myself and one and a half supervising solicitors, one

and a half full-time equivalents. We have an admin assistant and we have two student directors. There're lovely mug shots of all the people. So that's all the staff we have in the clinic and the bottom two are our student directors. It's a little bit unusual from all year groups but we have found this works very well. Although first-year (students) are very young and inexperienced they are quick to learn. Some might worry that first-years do not have enough experience to work with clients but we get round this by students working in pairs. And we always pair an experienced student with someone with little or no experience in their actual cases. I should say that our students take on full representation for our clients and they do all the paperwork for our cases and they often appear in our employment tribunals and in our courts. Obviously their work is very closely supervised by our supervising solicitors but we don't have many of them. And the amount of peer learning that takes place by working in pairs is very significant. The beauty of taking students from their first year is that they are often still with us in the fifth year at Strathclyde. They are often very competent advisors by this stage with considerable case and administrative experience and they pass on that knowledge to younger students. My favourite part of having all year groups in the Clinic is watching a first year student grow and develop. Just last week I saw a student who joined us in the first year. When she joined us in first year she was terrified of everything – she would hardly look her supervising solicitor in the eye, she was terrified of making calls especially to a solicitor on the other side, she was terrified of going to court. The first time she had to speak to a group she froze and a friend had to intervene to finish her presentation. She is now in her 5th year with us in the clinic. Since that first year she has appeared several times in court and done a fantastic job. Last week I saw her give a presentation to a large audience with confidence and ease. It was fantastic to see and I think her experience in the Clinic gave her that confidence. Turning to our admin assistant, I would say our Clinic did not really run professionally until we got proper administrative assistant. Her work makes an invaluable difference to how we run. She is the point of contact for all our clients and ensures the smooth operation of appointments, telephone calls, mail etc. She also does the administration for the Clinical programme. She nurtures and supports all our students and is there to pat on the back, tell them they'll be fantastic in court and sometimes cajole the students. She's very much the glue of our Clinic.

So what types of cases do we do? You'll see from this chart that the majority of our cases are employment law cases, much like Dr Pan's cases. That's about 49 percent in this year. We also have a substantial number of housing cases, that's all in private rented tenancies and disputes that arise from that. Quite a lot of consumer cases, and there's a fairly large category of other but that does include our immigration work.

So this graph shows the general trend in demand for our services since our inception. In response to this rise, being a student-led Clinic, our students came up with two great ideas: In 2009 they set up our IAC's (Initial Advice Clinics) and in 2014 they set up an online service. So we went from helping 84 people in 2003 to helping 547 people last year, and that's was all with very few additional resources. The blue lines at the bottom are our few advice and representation cases where we take the case on fully. And the green ones are our drop-in initial advice clinics. The yellow ones are our online service, and there's a steady increase in all of those. There are some fluctuations but most of that was to do with unusual factors. So in terms of adapting to needs, our students actually decided to initially start with the deluxe full advice and representation service, that's what we started with to having three advice streams. Now we still have the full advice and representation which I think is very important for clients who absolutely need that representation. We have our online service and we have our initial advice clinics. This just shows the split between the service. As you can see, still the majority of our work is the full advice and representation service. A substantial number of client we serve is via initial advice clinics and our online service. And again, those two additional services have just allowed us to serve a lot more clients.

So how to do our initial advice clinics work. In 2009, what we found was that we were having to turn many people away because we simply didn't have the capacity to help them. We had the equivalent of one full time supervising solicitor at that time supervising casework. We also found that some of our clients really only needed some initial advice or signposting. They didn't necessarily need representation in its fullest sense but a lot of time was spent on making the appointment, arranging students to attend, completing all the paperwork, students carrying out the research and then issuing the advice, and all of which had to be checked by a supervising solicitor. It was very time-consuming. A student had the idea of setting up drop in Clinics but staffed by local volunteer solicitors. That way clients could get on the spot advice but if they needed full representation they could be referred back to the Clinic. We had no idea how the service would grow but in our first year we helped 40 people, last year we helped 354. Now it's run twice per month and it is entirely organised and administered by students with volunteer solicitors giving the advice. The way it works is that people can turn up at our Clinic offices without an appointment to get some initial advice on their situation. It operates on an evening basis, although the reality is that it keeps going until everyone is seen. We had one elderly man who took a three-hour bus journey to see one of our volunteer solicitors because he could not get help in his own area which was quite rural. He then had to travel another three hours back home. So that is a huge demand on our service, although we do

have a lot to learn from the Hong Kong transport system. The beauty of this service is that it has benefitted from our Clinic alumni who want to continue to contribute in some way and runs with very few additional resources required. The limitations are of course that it can only be on the spot advice – sometimes this is enough but where it isn't we do our best to refer back to our full service in the Clinic or to another organisation. So our online service, again this was another student initiative. In 2014 one of our students was not only concerned about turning people away but was concerned about people who did not have access to legal advice locally. Many of the legal aid or free advice services in Scotland are concentrated around the cities in Scotland but we have many remote areas with poor legal services. There was also concern about people whose disability meant they could not get to an office or their caring/life commitments meant they could not go to an office for advice. He came up with the idea of giving people advice online. This way someone can post an enquiry on to our website. It's allocated to a student and a supervisor. The supervisors give brief direction on the area of research and some basic pointers for the students. The student then researches the issue and drafts a response setting out the legal position and some practical advice on remedy where appropriate. This is checked by the supervisor and then emailed back to the enquirer. The demand on this service has seen a steady increase. Again, it's another way of reaching more people.

So before I finish, I just want to say a few words on our collaborations with some third sector organizations. We have three main collaborations - the first is the Scottish Women's Rights Centre, the first of its kind in Scotland, there's a collaboration between Rape Crisis Scotland, JustRight, which is a local law center, and the Clinic. This serves to provide legal advice and information to women who have suffered any form of gender-based violence. Our students help staff the helplines, and they help staff surgeries and they help with research. They don't represent but they assist solicitors in doing that.

We also have an Asylum Project, that's legal advice for destitute asylum seekers. That's a local collaboration between Refugee Survival Trust, Scottish Refugee Council, British Red Cross and some housing organizations that provide the housing for the destitute asylum seekers, to give them a bit of space and time to investigate a fresh asylum claim. And then we've got our Miscarriages of Justice collaboration. That's between the Clinic and a local organization called Miscarriage of Justice Organization. That was formerly the "Innocence Project", about miscarriages of justice.

Now the beauty of those collaborations is the students gain very specialized knowledge and skills – for example on gender-based violence or immigration law. Because of the specialized training they undergo when involved in this work, we are creating a legacy of students who go on to use that specialized knowledge and skills in their own practice in the future. That means we have more aware trauma informed solicitors providing a better service. It's also a very effective way of pooling resources for obvious reasons, and it means that many more students go out into practice aware of the bigger picture as it affects the clients they have worked with, for example, in the SWRC (Scottish Women's Rights Centre), our students gain an understanding of the gender inequalities which lead to violence against women.

So I just want to talk about the power of student ownership. That was a very whistle-stop tour of our Law Clinic. I just want to end with a couple of thoughts. The first is about learning. As I said in the beginning I think the learning that takes place when students have to take responsibility for real cases is second to none. There are of course the usual skills you will all know about- legal research, writing, advocacy, negotiation, practice and procedure, client interviewing. But to me, among the most important things that students gain from this, is firstly, self-confidence which I'm sure you will agree is invaluable. And secondly, an awareness of the difficulties faced by the less advantaged in their community, together, hopefully with a lifetime commitment to social justice. The second thought is about the sense of psychological ownership. When students have a strong sense of ownership, it drives commitment, and the hours spent by our students on case work and running the Clinic is truly inspiring. As we can see from the developments in our Clinic, initiated, delivered and operated by students, it can lead to innovation and development. It is also a very effective use of limited resources which is essential in our context. The challenge, in a very commercial environment, where students face the reality of paying off debts when they go in to the world of work, and therefore often take the better paid jobs in corporate law, is to foster the commitment to social justice shown in their early years in the Clinics. So that they can continue to play their part in improving access to justice throughout their lives. That often means going in to less well paid jobs in social justice, carrying on the work they started in the Clinic and importantly continuing to defend our legal aid system which allows them to do that work. Thanks for listening.