

‘Bridging the Academic/Vocational Divide: the Creation of a Law Clinic in an Academic Law School’

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Legal Advice Centre

In January 2009 I joined the Law School at the University of Hull. My main responsibility has been the establishment and development of a public serving Law Clinic providing free, confidential and independent legal advice to the local community. Clinic became operational from January 2010 and will be offered as an assessed module as part of the LLB degree, from September 2010.

Hull is a traditional ‘red brick’ University. It has a highly rated research profile in such areas as International Law, European Public Law, Commercial Law, Maritime Law, and Restorative Justice. It possesses an enviable reputation in the sphere of socio-legal, and politico - legal issues.

It does not have a tradition of professional legal education, and as such is still relatively unusual in deciding to establish a Law Clinic. The purpose of this paper is to discuss the academic context of the new clinic, its social importance to the wider Hull community, and how this relates to its aims and its relationship with the Law School.

The advantages to the Law School which are presented by the Clinic project are clear. Students are able to apply knowledge gained on the law programme, to practical situations. It enables the development of research and drafting skills. There is contact with real people involved with real cases. The students have front line responsibilities for a live client, this inevitably means that students will gain experience of ethical issues, such as; professional conduct, confidentiality and conflicts of interest.

Law Clinic has undoubtedly raised the profile of the University and the Law School within the City of Hull and the wider area. It meets the University’s commitment to community engagement. It makes the University part of the community in a very real sense. The public benefit takes the form of the advice and assistance given to disadvantaged groups in society. It facilitates

empowerment on the basis that the better informed people are, then the better able they are to manage their own affairs. This is in line with the Government cohesion agenda and its policies to promote social inclusion.

Our activities should be seen against the background of changes to the provision of free legal advice in Hull which took place in 2008. The ending of local authority funding, £700,000, to the CAB(Citizens Advice Bureau) was contentious. A CLAC(Community Legal Advice Centre) came into operation in October 2008. It functions as part of a tri-partite arrangement between the Council, A4E(Action for Employment, a social enterprise organisation) and Howells Solicitors from Sheffield. By the end of this year a CLAN, (Community Legal Advice Network) will be up and running in the East Riding of Yorkshire (ERYC) council area. The CLAN will also provide One Stop generalist help, with specialist issues referred to legal aid franchise solicitors.

The location of the CLAC in the centre of Hull means that bus fares have been identified as an issue for some people. The CLAC, and the CLAN, will inevitably be target driven which is obviously not a priority with the service which the Law School provides. Advice at the CLAC is time limited and a number of opinion leaders identified a lack of generalist advice as a problem. The specialist legal advice offered is that which is available through an ordinary legal aid franchisee. It has been suggested that the intention is to deliver the CLAC through Council Customer Care Centres. This could potentially compromise the independent character of the CLAC in that the Council could be the source of some of the complaints. There does appear to be a gap in provision which was previously met by the now closed, Humberside Law Centre.

The developments however presented Clinic with a number of opportunities. CAB is a strong brand name, and was keen to work as one of our partners, in the referral of their clients to Clinic. Similarly both CLAC and CLAN are useful in that we have tentatively explored the possibility of them providing work based placements as part of our curriculum. This is something that can be further pursued with the Legal Services departments of both Hull, and ERYC. Alignment with CLAC/CLAN could enable marketing as part of wider advice services in the Hull area. Our hope is to be seen as established advice providers. Ongoing discussions take place with both the CLAC and the CAB about a collaborative approach.

The Clinic gives students the opportunity to develop transferable skills. It provides for an integrated approach to study, combining formal knowledge with the experience of practice. Students will be able to utilise legal knowledge and disseminate this in a practical situation. The learning process is largely experiential. It will marry the theory and the legal rules which have been learned, with the development of interpersonal skills. It will seek to improve students' capabilities.

The Law is a social function and its practice is a social practice. It has got to be seen in its social and economic context. Places of legal education cannot be isolated from the practical world of work and life. Nor can law students. They have to be connected closely to the real world. Law students may well be exposed to a variety of issues that impinge disproportionately on poorer members of society, such as poor housing, benefit dependency and socio-economic disparities. These may well be pronounced given the widening gap between rich and poor as well as the array of social problems which beset society.

Students will learn how the law operates and how it can solve problems. They will learn how to relate to clients, how to listen and extract legally relevant information. They will be given the opportunity to translate their complex knowledge into advice which is simple and understandable.

They will have the chance to gain a deeper understanding of their community and the kind of problems or issues which are important to people with whom they may not ordinarily come into contact. Not only will they learn the importance of basic practical skills such as recording and storing information. They will be able to reap the rewards of voluntary work and the satisfaction of giving something back to their community. At a higher level the students are involved in a process of participation and democracy.

Other requirements will prepare the students for the world of work in any setting. The need for punctuality, for appropriate dress, for observation of rules about confidentiality, discretion and politeness. Collaborative work based learning enhances employability.

One of the aims of legal education should be the laudable one of helping to create a 'better society' (Johnstone 1999). It is probably not going too far to say that there is a 'moral dimension' to disseminating an understanding of law and its functions to a wider social audience (Economides 1998).

The Social benefits are that Clinic makes legal advice accessible to those to whom it might not otherwise be available, often due to lack of means. These could include the following groups:

The unemployed and people on low incomes

People with long term illness or disability

Young people, including those leaving care

Older people

Gypsy/ traveller communities and migrant workers

People with problems relating to accommodation (including those in temporary accommodation)

Victims of violence, including domestic violence

Single parents

Hull undoubtedly suffers above average levels of urban deprivation. In 2008 it saw the highest increase of any UK city in the number of people claiming Jobseekers' Allowance.

A Centre for Cities report in January 2009, identified long term problems of high employment and large numbers of people with no qualifications. Hull has been revealed to be the British city with the highest rate of youth unemployment, with 9.85% of under 25s claiming jobless benefits in May 2009. One other striking statistic is that 34% of Hull's workforce actually lives in the neighbouring East Riding of Yorkshire local authority area.

In addition to providing a service for clients, the Law Clinic has a number of other social objectives. In addition to informing people of their rights and providing an opportunity to resolve legal disputes, it may be able to prevent legal problems from arising by identifying and addressing issues that repeatedly cause problems for clients. Clinic also provides a referral process ensuring wherever possible that clients receive necessary advice from whatever sector that might be. In a society which has become significantly less socialised, it is not too lofty a social ambition for the establishment of a Law Clinic to be seen as partly about the engendering of a spirit of Civic Virtue.

Our Approach

Areas of advice

After taking up my post early in January I had meetings with various local representatives, MPs, prospective MPs, councillors of all parties, CAB, officers of the CLAC and the CLAN, Hull Civic Society, the Head Civic Engagement at Hull City Council, and community leaders in various parts of Hull.

In seeking to determine areas of law where we should offer advice, and trying to identify gaps in existing provision, certain topics perhaps not surprisingly recurred;

Welfare Benefits

Re-Possessions

Landlord and Tenant

Redundancy

Debt Management

These areas are roughly in line with the LSC Social Welfare categories;

Debt, Employment, Housing, Welfare Benefits, Community Care

We discounted the possibility of dealing with Family cases which can be difficult and emotional, and because often the outcome of such cases can lead to recriminations. Likewise we decided not to offer immigration advice, in the short term at least. Notwithstanding we are able to refer such cases where Clinic is unable to deliver advice in a category of law, to other legal advice providers or appropriate practitioners. Where there is a problem of a non legal nature, information is given to a client on the best place to go to resolve their issue (signposting).

There needs to be an overlap between the service which we provide and areas of staff expertise. In other words we play to our strengths. We are fortunate to have expertise in areas such as Consumer, Housing, Mortgages and Employment.

Type of Service

Types of service can be broken down into 3 main activities, Advice, Casework, Representation. We do not intend to offer representation, at least not in the short term. We do not want to bite off more than we can chew. The standard of service is essential. Quality must be good. We should start small, develop an expertise and gain a reputation for providing a reliable service for free, confidential, independent legal advice; before considering expansion into other areas of law or greater levels of service. We should aim to provide advice in the following areas;

Welfare Benefits, Housing (Landlord and Tenant, Re-possession), Consumer, Employment, Generalist Civil.

The general level advice that will be provided will include:

1. Provision of information and initial advice
2. Provision of options available to the client

3. Identification of further action the client can take
4. Assistance filling in forms eg. Council Tax benefit, Job Seekers Allowance
5. Helping to draft letters
6. Making enquiries on behalf of client eg. with the Benefits Agency

There was considerable support for this venture from the Faculty and the Law School, particularly from the Head of School. We have been well served by being fortunate enough to have the assistance of a part time member of staff who has extensive contacts within the Hull legal community. His knowledge and first hand experience has been invaluable, in gaining access to the local profession and establishing communication links which have proved useful.

We have recruited a member of the local Bar to our advisory panel, along with local solicitors. A prominent local firm of solicitors has participated in terms of student training and supervision on a Pro Bono basis. We have been offered a reciprocal arrangement with a firm of solicitors, which has proposed a possible referral fee for taking cases to them.

Our overall strategy was to inform the likely interested parties of what we were about, what we intended to achieve and to explain how we wanted to work in partnership and collaboration with other like minded individuals and bodies.

Training

I met twice with Prof. Richard Grimes, a rightly respected expert in the area of CLE, which I found highly instructive. He provided training sessions for staff and students. Participating students underwent extensive training. We worked closely with the College of Law at York, which ran taster sessions on Legal Advice Clinics for us.

Location

We confined our activities to the City of Hull at least in the first instance. In addition to holding Advice Clinics on campus, on a regular basis, we intend to provide Clinic on an outreach basis at various locations in the community. These will be run at community centres which serve large housing estates. It has been suggested that we 'piggy back' Clinic on to other ongoing activities, for example running Clinics at Sure Start bases.

Health and Safety

Meetings were held with the University's Health and Safety Officer to prepare a risk assessment in terms of staff and student involvement both on campus and for outreach work.

Insurance

Enquiries with the University Insurance Officer identified no problems. Clinic activity is covered as part of the curricular education provided in our role as a higher education institution.

Resource Requirements

The following space provision was allocated:

Waiting Area

Interview Room

Student Base/ Admin Office

Other Costs

Computers

Telephone

Practitioner Texts eg. Welfare Benefits Law, Housing Law

Guides from Legal Action Group, Shelter

Organisation

24 students organised in 'firms' of 6

Fitting in to the Formal Curriculum

Clinic to be incorporated as a long, thin elective module in Year 3, starting October 2010. Before that we plan to have a pilot scheme which is extra curricular but which ran for 4 months as a dress rehearsal.

Selection Procedure

The module was over subscribed.

At some universities an essay is required from each prospective participant. At others only those students who list the module as their first choice, are first considered for the module. Priority was given to students who demonstrated a commitment by participation on a voluntary basis and who took part in training sessions. We also looked at participation in the various competitions, eg. Mooting, Negotiation etc.

Assessment

1. By way of Reflective Log and Project Review of a student's experiences whilst taking the module. This will be based on contributions evidenced by the student file, attendance and participation in 'Firm' meetings. 50% of marks.
2. Case study including a critical analysis of legal issues raised by the particular case. 50% of marks.

Publicity

One of the challenges of a new initiative in a large organization like a university is ensuring public and institutional awareness of the service while not inappropriately raising expectations. We managed to produce some of our own marketing material but also relied on a range of free publicity which was available due to the level of interest in a new pro bono legal service. The outlets we used eventually included:

‘Hull Daily Mail’, the leading regional newspaper

Weekly Advertisers, local free papers

BBC Radio Humberside, the local radio station

BBC ‘Look North’, regional news programme

Posters

Flyers

Other Activities

We have a successful Street Law project which has seen student groups visiting schools and HMP Hull to do presentations. The prison recently opened a family centre where a number of different organizations operate, eg PCT, Alcohol Awareness etc. The family centre is keen for LAC to become part of the services which they offer.

It is still the intention that once LAC is firmly established as an on campus provision, that progress is made to deliver the advice function on an outreach basis.

Key Characteristics of the Law School Advice Clinic

The Clinic was established for sound educational reasons but the process of development has thrown up some key service issues which are starting to shape the nature of the clinic and how it may develop in the future.

1. Quality of service to be provided: staff expertise, supplemented by support of other stakeholders; other advice providers, partner law firms.
2. Accessibility, in particular with hard to reach groups
3. Impartiality in terms of not being part of the local authority or being in receipt of financial support from a government department; being strictly independent.

To conclude, the establishment of a Law Clinic will fulfil two key objectives. Not only is it socially desirable that all members of society have access to justice but Clinic will provide an opportunity for students to think about the practical aspects of the provision of legal services to those who cannot pay for them. It will allow practical knowledge in social perspectives and therefore enhance academic understanding. Active practical work will have the benefit of making students into better academics.

What Happened in Practice ?

Who Needs Jack Straw Anyway

Despite our best efforts to have the then Justice Secretary / Lord Chancellor perform the official opening of the Legal Advice Centre, it was not possible for him to attend. However, we were fortunate in that one of our local MP's was also a prominent member of the Cabinet, and was able to be present.

The Legal Advice Centre was officially launched on Friday 19th Feb by the Home Secretary, Rt. Hon. Alan Johnson MP, in the presence of the Lord Mayor and the Vice Chancellor. By common consensus the event was a resounding success, attended by a large number of representatives of the various statutory and voluntary agencies in Hull. The Chief Crown Prosecutor, representatives of the Probation Service, HMP Hull and both Hull City Council and the East Riding of Yorkshire Council were there. The CAB and Martin Curtis from Law Works were also present. Members of the local legal profession, many with links to the Law School, were also represented. Much positive publicity both for the Legal Advice Centre and the Law School in general, was generated.

The Centre opened for business on Wednesday 24th Feb. We dealt with 11 cases in that first afternoon, it was a busy first session but a successful one. The students who dealt with a wide variety of types of case responded well and conducted themselves in a professional way. The Centre was certainly a hive of activity.

The Pilot

Extensive training was provided for students, on a compulsory basis, for those participating in the Legal Advice Centre. Sessions were provided by members of the Law School staff dealing with areas of specialism e.g. mortgages, landlord and tenant, and consumer. The CAB provided training on debt and the local council about welfare benefits. Local practitioners, in this case Hull graduates, ran sessions on Client Care. A full day session was facilitated by Prof. Richard Grimes.

24 students have been involved in the LAC, divided into 'firms' of 6. I have fulfilled the role of supervising solicitor, ably assisted by a part-time member of staff who is a well known Hull solicitor. We have also been served by one of our Post Graduate students, who has a number of years PQE as a solicitor. Furthermore 2 other students worked as volunteers.

The students response has so far been excellent, with commendable levels of enthusiasm (which sometimes has had to be curbed a little), and commitment. The feedback from service users has also been favourable.

Since the Legal Advice Centre opened to the public it has dealt with over 70 cases. These have involved a wide range of legal issues about which we were asked to advise. Under the Social Welfare categories used by the Legal Services Commission the numbers in respect of the various categories are as follows:

- Debt – 3 cases
- Housing – 19 cases
- Welfare Benefits – 2 cases

- Employment – 5 cases
- Community Care – 1 case

Other cases not covered by the LSC classifications include:

- Consumers – 15 cases
- Family & Matrimonial (including CSA) – 17 Cases
- Criminal – 2 cases
- Personal Injury – 7 cases
- Environmental – 1 case
- Immigration – 1 case
- Disability Discrimination – 2 cases

The Module

We have obtained approval to run Clinic as a module from September 2010, with a first cohort of 24, final year students. Assessment will be based on student attendance and participation, the maintenance of a learning log/journal, and the submission at the end of the module of a written piece of work in the form of the case study of a legal issue encountered whilst participating in the LAC. Training in anticipation of the module has been organised, supplemented by sessions from the local Trading Standards Dept. and from a Welfare Rights practitioner specialising in CSA cases.

Lessons Learned

1. We operated an appointment system but also had a drop in facility. This proved difficult to manage and at times we were somewhat overstretched, given the number of clients with which we had to deal. It has been decided to restrict our service to appointment only, so as to be better able to both plan ahead and manage demand.
2. The value of using local media was shown by the positive effect of the coverage which we received about the opening of the LAC. Pieces were done for local commercial radio stations and an on air interview for BBC Radio Humberside's afternoon drive-time programme, on the day of the opening. LAC was also featured on BBC tv 'Look North'. The 'Hull Daily Mail' was also a useful outlet. In addition to coverage of the official opening, a follow up feature 'Behind the Headlines' stimulated interest and generated more LAC clients.
3. The LAC has succeeded in developing mutually advantageous relationships with existing advice providers in Hull and the surrounding area. The CAB as well as being the main provider of advice services in Hull, has been awarded the contract to run the Community Legal Advice Network (CLAN) in the Beverley based, East Riding Council area. Both the CAB and Hull's Community Legal Advice Centre (CLAC) have assisted with the training of students in preparation for the commencement of LAC operations. The CLAC have offered the use of an office at their headquarters in Hull City Centre for use by our students as part of any future outreach work we may undertake. Likewise HMP Hull have offered accommodation at their recently opened Family Centre for advice surgeries to be run. These opportunities, together with similar requests for clinics to be run at various community centres, may allow for expansion of our activities in the future.

4. The CLAC is to make their staff training sessions available to our students. We already have access to their Benefit Hotline in terms of obtaining information for benefit claimants in need of urgent help. The LAC has become a partner organisation of the DWP sponsored Financial Inclusion Initiative, which has the objective of promoting the use of Credit Unions. We have also joined the Humberside Civil Justice Forum which is headed by Hull's designated Civil Justice Judge. This multi agency, cross disciplinary partnership approach recently enabled the Law School to place one of our students, a participant in the LAC; on an HEFC funded internship scheme, with the Legal Services Dept at Hull City Council. The LAC has made a good start, so far so good. We intend to build slowly but surely to become a recognised part of the undergraduate education, as well as making local impact.

Post Script

Hull University Legal Advice Centre has been shortlisted in the annual LawWorks Attorney Generals Pro bono Awards 2011 for best contribution by a law school.

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