

Teaching and Learning in 'Real World Contexts'

Pro Bono Practice and 'Situated Learning/ Communities of Practice'

UK Context.

The Legal Aid, Sentencing and Punishment of Offenders Act came into force from April 2013. It reverses the position where legal aid has been available for all civil cases except those specifically excluded by the Access to Justice Act 1999. The new act removes some types of case from the scope of legal aid funding, and says other cases will only qualify when they meet certain criteria. The aim is to cut the £2bn annual legal aid bill in England and Wales by £350m a year, with a further £220m cut to criminal legal aid. An estimated 600,000 people will lose access to legal advice as a result. Lord Bach estimated that the cuts will remove 86% of the funding law centres receive to provide advice and 'legal help'.

How the Law Clinic Module Works in Practice

'Students join a 'legal firm' within the Law school, specialising in one of the following: Family; Employment; Landlord & Tenant; Wills & Probate; General Consumer (contract); General litigation (Tort). There are three weeks of induction activities, which particularly include focus on the aims and ethos of pro-bono work. Large group sessions introduce key legal principles of professional practise & conduct, ethics and moral dilemmas, underlying policy issues and problematic principles or legal concepts. Following induction, the students interview real and 'simulated' clients, and then participate in weekly interactive small group sessions (in the firm), utilising case studies and discussion; identification of an initial action plan; assigning of student roles. Tutors facilitate sessions and supervise client advice.



University of Central Lancashire

UCLAN - has provided an advice only free law clinic for the last 10 years (and more in a different format). Today advice is given to UCLAN staff and students by LPC students, in pairs. Supervision is by qualified solicitors who are also employed as tutors. The students research and prepare their letters which are scrutinised by their supervisor and sent to the client, all by email.

UCLan has also started a law clinic credit-bearing module for 3rd year UGs. The module involves workshops on professional conduct, role of SRA, skills of interviewing, writing, research and professionalism, and conducting several real-client interviews. Next year this will be extended with more groups and more clients.

Client numbers have increased dramatically this year - from 21 clients over the final 3 months of the clinic 2014 to 31 in March alone 2015.

'McKenzie friends' : UCLan recently secured significant funding to expand its pro bono provisions and to open a type of 'personal support unit' in the Preston courts. This followed requests by the local judiciary who have found the numbers of un-represented client increased dramatically with the funding changes. This will cover general litigation as well as family matters. Our students will act as McKenzie friends where appropriate. This will be operational by summer 2015.

FREE
LEGAL
ADVICE

According to a 2014 Ministry of Justice Report: 'The major reason for self-representation was an inability to afford a lawyer, with only around one quarter of LIPs indicating that their appearance in person was wholly or partially a matter of choice. Over half of the LIPs observed had had legal representation at some stage during the current proceeding and/or in previous family law proceedings. Only a small minority of LIPs were able to represent themselves competently in all aspects of their family law proceedings.' (Report, Litigants in person in private family law cases (Ministry of Justice, 2014)

Why Participate: Application to Learning

For students:

"Pro Bono work enriches the learning experience".

"We believe that Pro bono programmes help students develop the professionalism and an understanding of a lawyer's ethical responsibilities, both crucial attributes for a law career. Other benefits include increasing their knowledge and marketability, gaining practical experience, developing skills, and enhancing their own reputations. ' Viv Ivins (UCLan Law School Lead for Innovation and Enterprise and Administrator of the Pro Bono Law Clinic).



Students at pro bono clinic (UCLan)



Pro Bono Value

Private practice solicitors in 2014 provided £601m of Pro Bono advice. (2.8% of total turnover - an increase in value and proportion of total turnover from 2013.

(Law society, 'The Pro Bono Work', of Solicitors', PC Holder Survey 2014)

82 Per cent of respondents to Law Society survey in 2007 'agreed' or 'strongly agreed' that providing pro bono work **'enhanced the reputation of the profession.'**

64 per cent 'agreed' or 'strongly agreed' that the provision of pro bono work **'enhanced the reputation of the firm in which they worked,'**

(Law Society 'The Pro Bono Work of Solicitors 2007')

Learning and Teaching Strategies: Situated Learning

'A variety of learning strategies places the students at the centre of the learning process in 'real life context.'(Slavin 2009) Emphasis is on learning by participation, including the law clinic, law 'firms', workshops, but also independent research, problem solving and analytical skills, a reflective portfolio, presentations. The tutor acts as facilitator to guide students through the issues, difficulties and arguments, to research, follow-up questioning, and letter of advice.

In particular, a Vygotskian approach, regarding a zone of proximal development, but also 'scaffolding' can be identified, (although the students, for legal reasons, cannot be left to give direct advice unsupervised, even if proficient to do so). (Vygotsky 1978) However, constructivism, and in particular 'situated learning' is the underpinning theoretical framework for learning, taking place, not individually, but "in a particular community of practice." (Woolfolk 2007)

References:

Slavin, R. E. (2009). Educational psychology: Theory and practice (9th ed.). Boston: Merrill
Vygotsky, L. S. (1978). Mind in society: The development of higher psychological processes. Cambridge, MA: Harvard University Press.
Woolfolk, A. (2007). Educational psychology (10th ed.). Boston: Allyn & Bacon.

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