

Northumbria Research Link

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Developing Clinic

Victoria Murray

Clinical Legal Education (CLE), the pedagogy of students learning through doing in an authentic legal context, was historically the mainstay of US and modern UK universities, but is now embedded across Higher Education (HE) both in the UK and internationally. CLE takes many shapes and forms including law clinics, where students work on real legal problems on a pro bono basis under supervision. For the purpose of this chapter, the definition of clinic is restricted to live client activities; simulation, standardised client and Streetlaw are covered elsewhere in this handbook.

Law clinics exist in almost every corner of the globe. For example well established clinics can be found at City University New York (USA), Monash University (Australia), Northumbria University (UK) and University of KwaZulu-Natal (South Africa). The prominence of law clinics continues to grow nationally, with over 60% of UK law schools engaged in pro bono work (LawWorks Student Pro Bono Report 2011). There is therefore an emerging clinical trend and it remains a fast developing area of legal HE.

Any readers contemplating setting up a clinic should recognise that this brings with it significant challenges and rewards, both pedagogically and professionally, outlined below.

Conventional research focussed universities have traditionally shunned CLE, believing the role of HE institutions is to educate rather than train students, but this attitude is fast becoming outdated. Red bricks are now just as likely to be engaged in some form of clinic, however limited. Notwithstanding, a hangover of this bygone view is that schools and intractable colleagues and may need some concentrated persuasion when it comes to supporting and 'buying in' to the benefits of CLE.

There are many reasons to implement a clinical programme. Potential law students are alive to the need for relevant (legal) experience as a precursor to a training contract and expect their prospective institution will support their development of relevant skills and provide exposure to legal practice. Clinics can therefore be a strong contributor to student recruitment and greatly assist with employability statistics. From a teaching perspective, students tend to engage much more deeply with this methodology, often driven by the desire to achieve a positive outcome for their clients. Supervising students and clients can be extremely rewarding. CLE also provides rich research material and can generate numerous collaborative opportunities.

On the other hand, the challenges are wide reaching, but by no means insurmountable. Clinical activities must be appropriately resourced and one of the key tests for academics is balancing the time that must be devoted to supervising cases and students, which is intrinsically laborious owing to the professional obligations and potential consequences arising from the provision of legal services. This must be managed taking into account other demands including research outputs, traditional classroom based teaching and administrative duties. Central to the success of any clinic is ensuring sufficient time is provided within the academic workload to support the project, and this is particularly important in the development stage.

Planning will, naturally, be crucial. A Student Guide to Clinical Legal Education and Pro Bono, edited by Kerrigan & Murray (2011), contains a detailed chapter outlining a wide range of pedagogical and practical considerations which should be fully addressed in any development and implementation phases. Some of the key issues are covered briefly below.

All legal work must be properly supervised. This can be done by an academic within the institution who is also a practising lawyer, or where this is not possible, by using an adjunct legal professional from a partner law firm. This available supervision may dictate or limit the scope of work and types of cases a clinic can offer. Common service areas include housing, welfare benefits, immigration, crime (often through an Innocence Project), employment and civil disputes. Small business clinics

can be useful to equip students with specialist commercial experience, particularly if they are seeking a training contract with large firms.

Carrying out legal activities will necessitate appropriate insurance cover. The clinic's institution may cover the legal activities under its own insurance or through an appropriate scheme, available through LawWorks. Other resource issues to consider will include premises, equipment and administrative support.

A fundamental point to contemplate is which model to adopt. Clinics can be predicated on a variety of models ranging from providing basic referrals, advice only to full representation services.

Institutions which cannot accommodate in house clinics may wish to provide opportunities via placements with law firms or advice agencies, such as the Citizens Advice Bureau (CAB).

Consideration should be given to how, or indeed whether, the clinic will be integrated within the curriculum. This may depend on the resources available and aims of the project's activities. Whilst law clinics typically serve undergraduate students, they also increasingly feature in postgraduate programmes. Very few clinical offerings are compulsory and there is a variance in approach between clinics which are optional, credit bearing and extracurricular.

Devising a clear set of objectives and learning outcomes is also crucial. There is a longstanding and ongoing debate about the purpose of law clinics, with some academics believing in the social justice agenda with others asserting the function is to develop legal and transferable skills.

In conclusion, developing clinic requires dedication and careful planning. Once established, the impact on students, the institution and community is almost immediate and for supervisors it is often one of the most rewarding aspects of the academic role.

The key messages for (character name inserted by editors) and other academics considering developing a clinic

1. Make sure colleagues are fully informed of clinical plans as it is important that the clinic is properly supported across the institution's department/school/faculty.
2. The clinical community is very welcoming – develop contacts and networks at an early stage to draw on support to help develop the clinic. Reputable groups include GAJE, ENCLE and the UK arm of CLEO.
3. Engage with the legal and voluntary communities as they can be an excellent source of case referrals.
4. There is a wealth of free resources available online so don't waste time reinventing the wheel.
5. Build a clinical profile and that of your institution's clinic, by attending clinical specific conferences, entering awards such as the annual LawWorks and Attorney General Student Pro Bono Awards and participating in National Pro Bono Week.

Further Reading

F. Bloch (2010) *The Global Clinical Movement: Educating Lawyers for Social Justice* (Oxford: Oxford University Press)

Clinical Law Review www.law.nyu.edu/journals/clinicallawreview

Clinical Legal Education Organisation (CLEO) – to join the mailing list contact

francesc.daly@york.ac.uk [check with Richard Grimes he is happy for people to contact Francesc or if he'd prefer his details]

European Network for Clinical Legal Education www.encle.org/

Global Alliance for Justice Education www.gaje.org/

International Journal of Clinical Legal Education www.northumbriajournals.co.uk/index.php/ijcle

K. Kerrigan and V. Murray (co-eds) (2011) *A Student Guide to Clinical Legal Education and Pro Bono*
(Basingstoke and New York: Palgrave Macmillan)

Law Works www.lawworks.org.uk/

National Pro Bono Centre www.nationalprobonocentre.org.uk/

Brief Biography

Victoria Murray is a Teaching Fellow and Programme Leader of the M Law (Exempting) degree at Northumbria University. She is a clinical supervisor in the multi award winning Student Law Office and co-editor of *A Student Guide to Clinical Legal Education and Pro Bono*.