

YORK **LAW** SCHOOL | Clinic**What is the Clinic?**

The Clinic is a free legal service for the public that opened its doors in January 2011. Since then we have received over 800 requests for help. In 2014/15 67 students were involved in the Clinic as part of their studies. Other students worked in the Clinic as volunteers. All work done is supervised by professionally qualified lawyers who ensure that the Clinic meets the standard of service expected of any solicitors' practice. The Clinic also oversees other 'pro bono' activities including Street Law (working with groups within the community so that they are better able to understand their rights and responsibilities) and a 'McKenzie friend' scheme with the local Citizens Advice Bureau (supporting those in court who are unrepresented). The Clinic therefore provides much needed help for clients whilst at the same time putting theory into practice for students.

Who can ask for advice?

Anyone can ask the Clinic for help and we do not charge for our services.

We work with individuals, companies and community organisations to provide a free, professional and confidential legal service. Over the past four years we have managed to help clients who may struggle to find or otherwise afford legal advice. The Clinic has been able to provide its expertise in a range of areas, from family, employment and landlord and tenant disputes to creating charities and companies. Since the Clinic began we have advised over 400 clients and have worked in schools, courts, tribunals and prisons and with other service providers such as the Citizens Advice Bureau and the local legal profession, making and receiving referrals.

We act for a wide range of clients most of whom come to the Clinic from York and the surrounding community but we have also attracted enquires from further afield. Wholesale cuts to Legal Aid entitlement have meant a significant increase in unmet legal need generally, and this has certainly been the case locally.

We try to help clients with their legal issues if we can. Where we are unable to, we explain why and refer on to specialist advisors where possible.

What our clients have said...

"Your service is truly professional. I had every confidence in what you advised me to do."

"I don't know what I would have done without your help... I had nowhere else to turn."

"The advice I received was spot on. It is such a shame you cannot do more for people like me but I understand that resources are limited."

'After giving me your advice you then suggested where else I could go for help. That was very useful'.

"Your students are a credit to you and the university. I wish them well in their careers. With this start they will go far."

Case study 1: A vote of confidence?

The Clinic was asked to advise a prisoner, who was serving a long prison sentence, on domestic, European and international law concerning the rights of those convicted of crimes and in custody to take part in the democratic process in parliamentary and other elections. Advice in this case had to take into account the legal position in the UK (on which there have been judgements in the appellate courts) concerning a prisoner's right to vote. The client was also advised on the possibility and procedure for bringing a claim in the European Court of Human Rights.

Whilst the political landscape may make the enfranchisement of prisoners currently unlikely (despite possible arguments around breaches of human rights) the client was given detailed advice on what the current legal position is and how that might be challenged. For the students this case showed very clearly that the law is both a matter of theory and practice and an ever-present factor in every walk of life.

Case study 2: A caring situation?

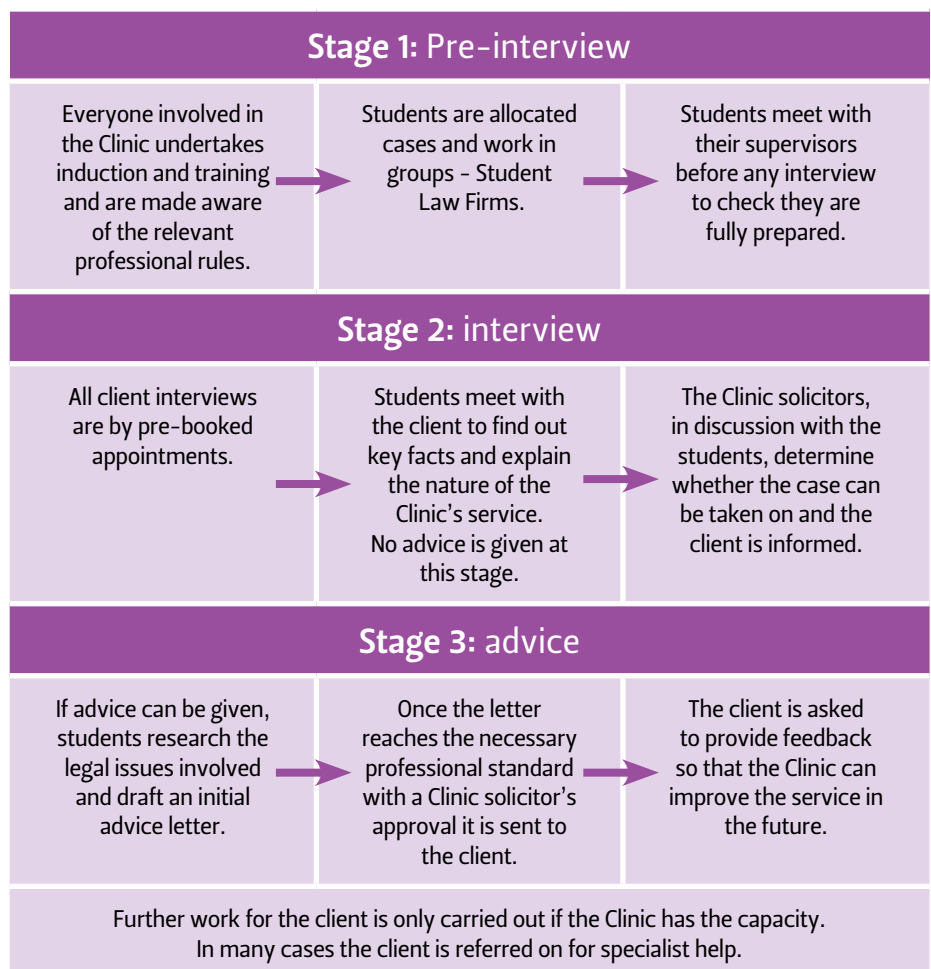
With an increasingly ageing population, care home costs are an unfortunate reality for many people. The Clinic was contacted by a client who had been told by a care home owner that he was expected to settle his recently deceased mother's care costs.

The Clinic was able offer advice in this case on when a relative can be held responsible for debts if there are insufficient estate funds to cover such charges. As well as providing initial advice the Clinic was able to suggest how the client might negotiate with the home owner to reach an amicable settlement.

The Clinic process

Everyone in the Clinic follows a clear set of well tried and tested procedures. As a result, clients can expect to receive a high quality, professional and confidential service. So far as is possible, these procedures reflect the workings and demands of any legal practice. We also aim to meet the University and Law School's educational standards for the students concerned. All work undertaken in the Clinic is closely supervised by qualified solicitors with practicing certificates. Additionally, the University's Professional Indemnity Insurance covers the activities of the Clinic, providing further protection for the clients, students and staff.

Provided below is a summary of the Clinic process:



What the participating students think:

"We have all had such a good experience on the Clinic module and would recommend it to everyone."

"Thanks for this opportunity, I now want to know more about doing other pro bono work."

"This experience has given me confidence and invaluable skills and although very challenging at times I would not have changed a thing."

About our cases

This academic year, the Clinic was able to help in 54 cases, providing advice letters for every client and, in several cases, providing further assistance, including drafting documents, negotiating settlements and appearing in tribunals. These cases covered a wide range of topics, some straightforward and others more complicated.

The full range of work the Clinic undertook this year is represented in the chart below.

Cases 2014 – 2015



- Business set up
- Landlord and tenant
- Civil litigation
- Charity law
- Immigration
- Family
- Human rights (prisoners' rights and discrimination)
- Consumer and other contractual disputes
- Other housing
- Welfare benefits
- Employment
- Company
- Wills and probate
- Criminal

In previous years, most cases have been landlord and tenant, housing and employment disputes. The chart above indicates that these are still important areas of need but this year we have seen an increase in other aspects of work, with consumer and family enquiries in particular picking up. This may be, in part, a direct result of cuts to Legal Aid funding. Employment remains a key area of work too. We continue to offer advice in a variety of other matters in part to help our clients but also to give students exposure to the range of legal subject matters that complements the rest of their studies.

The Clinic aims to provide written advice within 10 days of initial interview. We usually meet this target but if we cannot the client is, of course, told of any delay and the reason for it. The solicitors ensure that this never prejudices the client's position. This year, as previously, some of our cases have required additional work and if the Clinic has the capacity and the relevant expertise we are happy to help with this. We have for example appeared in tribunals for clients and helped to complete forms, draft other documents and negotiate with the 'other side'.

Case study 3: Family affairs

The Clinic continues to receive an increasing number of requests from clients in family law cases particularly on relationship breakdown. These cases involve complex issues including the rights over property and the care and financial support of children.

A recent case had all of these matters and a host of sub-issues involving a business and the complication posed by residency abroad. The Clinic advised the client on his options and obligations following divorce, including the wisdom of reaching agreement outside of the court room.

Case study 4: Education, education, education?

In an increasingly competitive jobs market, many people undertake further study to enhance their employability. The Clinic was contacted by a client who had enrolled on a building course with a national provider. The company went into administration having failed to deliver most of the materials and tuition expected. The client was passed onto another organisation who were unable to meet the training needs that had been promised. By this time the client's family had paid several thousand pounds in fees. The Clinic was able to advise the client on remedies for breach of contract and rights to recover money already paid and then acted for the client in negotiations, eventually recovering all of the fees paid. The client is now successfully running his own small enterprise.

*"I hear and I forget.
I see and I remember.
I do and I understand."*

Confucius 551-479 BC

It may be an old saying but it is at the heart of learning in the Clinic.

Further afield

In previous reports, we have mentioned the work we do internationally. Law School clinics are now found across the world – underlining the point that, if properly supervised, clinics are a win/win situation for all concerned. This year we have placed 20 students with clinics abroad and their accounts are as compelling as they are heartening. A report on this can be found at: www.york.ac.uk/law/clinic (along with other information about the Clinic including a copy of the latest Annual Report).

The future

We started a postgraduate programme in September 2014 and have now produced our (and the country's) first students with an LLM in the Theory and Practice of 'Clinic'. Congratulations to them.

In the year ahead we plan to build on our wide-ranging *pro bono* work and to evaluate and publicise the impact this has. We continue to work with the Clinical Legal Education Organisation (CLEO) to provide support to those wanting to set up or develop their clinical programmes at home and abroad.

As always we must say a big 'thank you' to everyone who has taken part in the Clinic – our clients, our students and all those who have supervised and advised us on the Clinic's activities.

Case study 5: Not making reasonable adjustments

The Clinic has, in the past, acted for a large number of clients who have had problems at work. This year the number of enquiries has fallen perhaps reflecting the fact that fees were introduced relatively recently for taking proceedings in such cases.

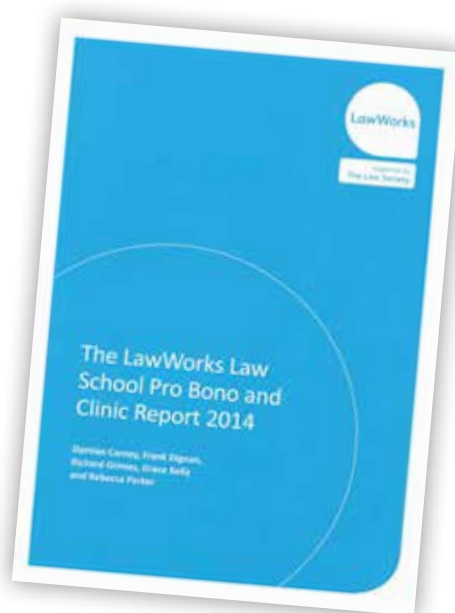
We were however able to help a client who has a disability that the employer appeared not to take into account. The company in question initially refused to make any allowances and indeed eventually sacked our client. The Clinic gave initial advice and then (as there was nowhere else to refer the client to as he could not afford to pay for legal help) represented him in the tribunal. Through the very helpful offices of the court service and a judicial mediation session, compensation was eventually agreed and paid and proceedings were withdrawn.

If you would like legal advice or wish to discuss other matters please contact us:

York Law School Clinic
York Law School
University of York
Heslington East
York
YO10 5GD
Tel: 01904 325819

Email: law-clinic@york.ac.uk

All client information remains confidential



Prepared by: Max Woodbridge

Edited by: Richard Grimes (Director of Clinical Programmes) and Francess Daly (Clinic Administrator)