



LLM Clinical Legal Education

Annual Report
2015-16

LLM Clinical Legal Education

Annual Report 2015 - 16

The staff and students on the LLM Clinical Legal Education have had another busy and productive year, progressing our access to justice agenda through legal education focused on social security and employment law casework and research, working on behalf of members of the public and in partnership with our external stakeholders. We are grateful to everyone who has supported our work and helped create the successes that we have celebrated this year, many of which are highlighted in this year's annual report.

To find out how to apply for the LLM go to our website at: ulster.ac.uk/lawclinic/course-details



Casework

The Ulster University Law Clinic provides social security and employment law support to clients who are unable to access legal advice and support elsewhere, following from the research-evidenced need to increase the capacity of the legal and advice sectors in these areas. Student clinicians, under the supervision of Ciaran White and Dr Esther McGuinness, provide advice and representation at social security appeal tribunals, at Case Management Discussions (CMDs) and at industrial tribunals, as well as mediating employment settlements. Students have benefited from extensive training, including from the pro-bono Legal Support Project at Law Centre (NI), and from Pinsent Masons which ran a mock CMD for students. The CMD was facilitated by one of the Law School's Visiting Professor's, Paul Gillen, and his associate Leeanne Armstrong, both from Pinsent Masons, and chaired by Mark McEvoy BL, Chair of the Employment Lawyers Group in Northern Ireland. Students have also received free legal training from Legal Island, and participated in their mock CMDs.

The Clinic opened in January 2013 and since then 28 LLM students have provided over 2,000 recorded hours of free legal activity on 87 closed cases. Enquiries have come directly from members of the public as well as on referral from statutory bodies and advice agencies such as RNIB and Belfast Migrants Centre, with the bulk of employment law queries coming from the Labour Relations Agency. The Clinic has also worked closely with local legal firms such as Sullivans Law and McConnell Kelly solicitors, which have provided support and referrals to the Clinic. In the placement period since January 2015, students have closed 26 cases – 7 social security and 19 employment. Two further employment cases are still open, supervised by Dr Esther McGuinness, with hearings and CMDs scheduled for September 2016. Each case has involved an issue of critical importance to our clients, and allowed our LLM students to gain extensive casework experience to the benefit of our clients. Employment law cases have covered a range of issues from perceived disability discrimination to unfair dismissal, including supporting a client in the hearing of his case at which he was awarded over £17,000. Social security cases have focused on disability living allowance and employment and support allowance appeals, helping clients access their legal entitlements to social security benefits. In one instance, Clinic staff continue to represent an appellant before the Social Security Commissioner challenging the vires of benefit regulations and raising a possible devolution issue.

Client feedback has been consistently positive, with an emphasis on the professionalism of the Clinic's service:



LLM Clinical Legal Education students Michael Murphy and Frederick Reilly, pictured with employment law client Phil Kane.

“ The Law Clinic gave me great impartial advice and guidance for my tribunal, from the initial meeting to taking me through each step of the procedure. Without the help and assistance of Freddy, Michael and Esther at the Law Clinic, I wouldn't have been able to fully prepare to put my case forward at tribunal. I would just like to thank you again for all the effort you put in to my case and going the extra mile to make sure I was fully prepared ”

Ulster University Law Clinic Client

“ Rachael was excellent and exceeded my expectation in relation to the service she provided - she kept me informed throughout the appeal and explained the proceedings. I really appreciate all she did for me. ”

Ulster University Law Clinic Client

“ I would compliment Freddy on his professionalism, sensitivity and patience. He is a credit to the clinic and ... I believe he will be a credit to his chosen profession. ”

Ulster University Law Clinic Client

Casework

LLM Clinical Legal Education students have also continued to provide free legal advice and representation on placement with the pro-bono Legal Support Project at Law Centre (NI) and at Citizens Advice Regional Office, with hugely positive feedback on student work:

“LLM Clinical Legal Education student volunteers have made a very valuable contribution to the work of the LSP. It is clear from our client feedback that the advice and representation they provide makes a real difference and is greatly appreciated.”
(Sinead Mulhern, Project Leader Legal Support Project)

“This support has proved invaluable to Citizens Advice as it has enabled more clients to access justice ... I have been so impressed with the calibre of students, their legal knowledge and expertise in the social security system ... The feedback from our advisers and clients has been overwhelmingly positive.”
(Laura Banks, Citizens Advice Regional Office, Legal Support Officer)

We are delighted that our LLM Clinical Legal Education students have made such valuable contributions to our partner organisations.

The Clinic draws on the expertise of an external, expert Advisory Group, chaired by the Chief Social Security Commissioner and comprised of the Presidents of social security and industrial tribunals, members of the Labour Relations Agency and Equality Commission NI, and members of Law Centre (NI), Advice NI and Citizens Advice.

Phd Success



Congratulations are due to our PhD graduate, Dr Mark Simpson, who successfully defended his thesis on social security and devolution, which was examined by the leading social security lawyer in the UK, Professor Neville Harris, University of Manchester. Further congratulations are due to Mark on his appointment to a Lectureship in the School of Law, based at our Magee campus, with a research specialism in social security.

Dr Mark Simpson, who has been appointed as a Lecturer in Law at Ulster University Law School

Students and scholarships

We are extremely grateful for the continued and generous support of our scholarship sponsors: the Department of Justice, which has sponsored an Access to Justice Scholarship since 2013, and Allen & Overy, which has sponsored Justice Scholarships and maintenance awards from 2015/16 to 2017/18. The scholarships have made a significant difference to the recipients, and ultimately to the ability of the Clinic to deliver access to justice, as our scholarship recipients have made clear

- *“The Allen & Overy scholarship for the LLM Clinical Legal Education has not only given me the opportunity to study on such a brilliant programme at Ulster University, it has allowed me to spend more time focusing on putting my studies into action. This funding comes at a time when many graduates like myself are hesitant to pursue a master’s degree, as the financial and social pressures to find work of any sort are extraordinary ... We need more organisations to follow your example and sponsor vital access to justice initiatives.”* (Niall Byrne, Allen & Overy Justice Scholarship student, 2015/16)
- *“The payment of fees goes a great deal of the way to removing the financial barriers that may prevent students undertaking such courses. That the Department’s Access to*

Justice Scholarship encourages the participation of students from a wider pool of background, age and experience has a positive knock-on effect for the users of the Ulster University Law Clinic’s services, providing clients with a richer experience in terms of representation.” (Joan Davidson, Department of Justice Access to Justice Scholarship graduate 2015)



Dr Eugene McNamee, Head of the School of Law, Michael Murphy, winner of the Department of Justice Access to Justice Scholarship 2016, and Professor Alastair Adair, Deputy Vice Chancellor



Professor Alastair Adair, Deputy Vice Chancellor; Jane Townsend, Allen & Overy; and Justice Scholarship 2015/16 winners Niall Byrne, Emma Hutchinson, and Freddy Reilly

Our graduates have transitioned into further academic study and practice. The connections created by our referral network have generated opportunities for our graduates in the form of trainee solicitor positions with one of the members of our referral network, Sullivans Law, for example. Graduates have also been employed as research interns in the Law Society of Northern Ireland for the last two years, and our Allen & Overy Justice Scholarship recipient Freddy will be taking up this position from September 2016. This is the third successive year that LLM Clinical Legal Education students have been selected through open competition, and is a testament to the students’ focus on access to justice in the legal system. Other students have taken up funded PhDs examining issues and concepts arising from their LLM studies, and continued working across the legal advice field.

Justice innovation

The Clinic's thematic focus is on unmet legal need, and providing access to justice through legal education. The LLM Clinical Legal Education is an innovative model – unique in the UK and Ireland – and the innovative delivery of free legal support has received considerable national and international recognition since the Clinic began in January 2013, including the 2014 UK LawWorks and Attorney General Student Award for Best New Pro Bono Activity in the UK; the Fulbright Public Sector Award 2014; and a nomination by the Hague Institute for the Internationalisation of Law for its global Innovating Justice Award 2014 for 'a novel idea that can deliver concrete justice results'.

Awards

The clinic was one of six UK law schools shortlisted for the 2016 LawWorks and Attorney General Student Award for Best Contribution by a Law School in the UK. This is a major award that recognises significant contributions of UK law schools, and the judges were impressed by the quality and complexity of the students' work and by the level of support that we had from the legal community. Staff and students were invited to a prestigious award ceremony at the House of Commons where the impact of their pro bono work was recognised.



LLM Clinical Legal Education staff and students at House of Commons pro bono awards ceremony

Research Grants:

The Clinic also provides the springboard for research into related justice innovations that focus on the practical implications of, and solutions to, access to justice problems.

- o The Clinic was awarded £27,000 in grant funding by the Legal Education Foundation to analyse the role of university law clinics in the UK in delivering access to justice. Our report - 'Access to Justice through University Law Clinics' - identifies a strategy to develop the role of university law clinics in the UK to support access to justice and was launched at a joint conference with the Law Centre (NI) on "The future of access to justice". The conference provided the first opportunity to hear from Colin Stutt, the author of the Access to Justice Review 2 on his proposals for reform, and from the Rt Hon Lord Justice Gillen on the Review of Civil and Family Justice. The conference was closed by the Justice Minister, David Ford MLA.
- o Dr Gráinne McKeever received £9,500 in funding from the British Academy/Leverhulme to understand how court litigants participate in court hearings. Dr Orla Drummond was appointed as the Research Associate on the project. The research was based on the tribunal research that led to the creation of the Ulster University Law Clinic. The research examines how court litigants participate



Conference speakers on "The Future of Access to Justice" (left to right) Dr Gráinne McKeever (Ulster University), Glenn Jordan (Law Centre NI), Matthew Smerdon (Legal Education Foundation), Colin Stutt (Access to Justice Review), Ursula O'Hare (Law Centre NI), Rt Hon Lord Justice Gillen, Dr Eugene McNamee (Ulster University), Prof Pascoe Pleasence (University College London)

Justice innovation

in court hearings, compared to how tribunal users participate in tribunal hearings, providing empirical insights into the differences and similarities between court and tribunal hearings. The results of the research were presented at the Socio-Legal Studies Association annual conference in April 2016 and will be published next year.

- o The Nuffield Foundation has awarded £216,000 to Dr Gráinne McKeever and Dr John McCord, in partnership with the Northern Ireland Human Rights Commission, to conduct a human rights analysis of the impact of litigants in person (LIPs) on the Northern Ireland court system. We are delighted to have appointed Dr Lucy Royal-Dawson as the Research Associate on this two-year project. The researchers will be observing court hearings and interviewing LIPs who are about to start or are in the middle of a court case relating to either bankruptcy, a civil bill, divorce or a family matter. From January 2017, we will also invite LIPs to a legal clinic at the Human Rights Commission to get advice on the procedural aspects of their case, in order to measure whether procedural advice impacts on the LIPs ability to participate in their court hearing. We are extremely grateful for the strong support we have received from the Department of Justice, the NI Courts and Tribunals Service, the judiciary, the Law Society, the Bar Council, and a range of voluntary sector organisations with experience of assisting unrepresented litigants. A final research report will be launched at a conference in April 2018.
- o We were delighted to host the Northern Ireland Justice Committee in November 2015. We held a roundtable for Committee members to familiarise them with the research we have conducted that can assist with their work programme, and ran a dedicated session to set out the work of the Clinic through the LLM Clinical Legal Education. The Committee heard presentations from our Access to Justice Scholarship graduates, with current students and graduates attending to discuss their Clinic work with Committee members.
- o We also ran a Justice Innovation seminar for the Committee, focusing on the barriers to digital justice. This was led by Clinic staff, and provided further engagement with a broad range of stakeholders. LLM Clinical Legal Education students also participated, with students acting as discussants and reporting back on table discussions.

Justice initiatives:

- o Ciaran White has engaged with research by Professor Michael Schwartz, Director of the Disability Rights Clinic in the Office of Clinical Legal Education at the Syracuse University College of Law, New York, and Dr Bronagh Byrne, Queen's University Belfast. This research reviews the access to justice barriers arising for deaf clients attending consultations with private solicitors in Northern Ireland, examining whether there are any violations of Article 13 of the UN Convention on the Rights of Persons with Disabilities



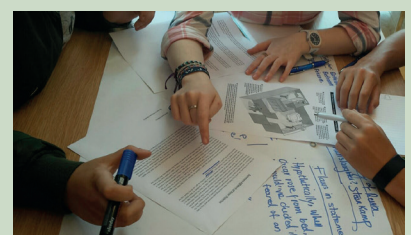
Ciarán White, who is working with US colleagues on access to justice research

- o Dr Gráinne McKeever and Dr Orla Drummond presented their access to justice focused research at the NI Assembly's Knowledge Exchange Seminar Series in 2016, covering access to justice in Special Educational Needs and Disability Tribunals, as well as the role of university law clinics in delivering access to justice.



Dr Gráinne McKeever, NI Assembly Knowledge Exchange Seminar

- o Thanks are due to our wonderful Phd student, Ciara Fitzpatrick, who has led a series of Street Law seminars with post-primary pupils, through the University's outreach programmes. Ciara's commitment to Street Law was a defining feature of her own undergraduate degree at Ulster University, and we are grateful to her for passing that passion on to future generations of students.



Pupils participating in the Street Law programme, led by Ciara Fitzpatrick

Looking ahead

The LLM Clinical Legal Education continues to develop and evolve in response to unmet legal need, as well as the interests and expertise of students and staff. We are delighted to be moving into a new phase as we recruit a new lecturer to advance our casework and research through the LLM Clinical Legal Education. At the same time, we record our thanks and appreciation to our original Director, Ciarán White, who steps down from the Clinic from 1 September 2016 to focus on expanding the provision of clinical legal education into our undergraduate LLB programmes. We wish Ciarán well in his new role.

Our focus remains on developing a better understanding of access to justice barriers, though high quality research which supports our innovations in legal education. We look forward to our partnership working with the Northern Ireland Human Rights Commission to understand the human rights implications of litigating in person. Our partnership with Syracuse University College of Law, New York, provides further opportunities to learn from international clinical legal education initiatives, while developing our understanding of barriers to access to justice for disabled people. We look forward to

engaging law students in the out-workings of our research, identifying practical solutions that can inform future legal training.

In the immediate future, we are also looking forward to welcoming the Committee for Communities to Ulster University on 22 September 2016, as the university hosts the Committee's formal meeting and a follow-on seminar on 'The 'New' Welfare State'. We will be joined by invited participants to discuss social security, housing and child poverty issues, to inform the Committee's future work.

In the four years since its creation, the achievements of the Clinic have exceeded all expectations and we are grateful to our external partners, sponsors and stakeholders for helping us surpass our goals. The support of the Law School, the Faculty and the University have also been integral to enabling the development of the LLM Clinical Legal Education and we appreciate greatly their continued and enthusiastic backing in helping us to meet Ulster University's core mission of civic engagement, through innovative education and world leading research.



Further information is available at:

ulster.ac.uk/lawclinic

facebook.com/UlsterLawClinic

[@UlsterLawClinic](https://twitter.com/UlsterLawClinic)

Dr Lucy Royal-Dawson, Research Associate on our research project on 'Litigating in Person in Northern Ireland', in partnership with the Northern Ireland Human Rights Commission