

# **LLM Clinical Legal Education: Annual Report 2012-13**



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The LLM Clinical Legal Education (CLE) was offered for the first time from September 2012, with an enrolment of 6 full-time and 4 part-time students. This report provides an overview of the work and opportunities undertaken by the LLM CLE students, with the support of the LLM CLE course team: Course Director and Clinic Director Ciarán White; Emilie Daly; Dr Esther McGuinness; Gráinne McKeever; and Kathy Sinclair.

**D**uring the first semester, students completed modules in Social Security Law and Policy, Employment Law, Tribunal Representation and Alternative Dispute Resolution. While these modules lay the foundations of academic knowledge needed for the degree, there was also a continuous integration of practical and professional knowledge, drawing from internal and external expertise. In Social Security Law and Policy, students were able to work through simulated client problems with experienced case workers from Law Centre (NI); in Alternative Dispute Resolution students attended a

seminar on mediation held by a solicitor specialised in mediation training and practice; while in Tribunal Representation, audio-visual recording of students in simulated client interviewing sessions was used to provide feedback by a staff member of the Graduate School of Professional Legal Education. Students also had the chance to participate in a major conference on tribunal reform, run by the School of Law and Law Centre (NI), co-sponsored by the Department of Justice, at which the Department launched its consultation paper on *The Future Administration and Structure of Tribunals in Northern Ireland*.



The Vice Chancellor Professor Barnett; Gráinne McKeever, School of Law; Justice Minister David Ford MLA; and Visiting Professor Les Allamby, Director of Law Centre (NI), at the conference on Tribunal reform: the way ahead, organised by the School of Law and Law Centre (NI), co-sponsored by the Department of Justice.

As the students moved into semester 2, the focus on practical knowledge became more significant, with the approach of student placements in the Legal Support Project (LSP), based in Law Centre (NI), and with the development of the new Ulster Law Clinic. In preparation for this, students were provided with training by Owen McCloskey and Sinéad Mulhern from the Legal Support Project on advising and representing in social security and employment law cases. Students also had a guest lecture by Sinead McKinley and Geraldine McKeith from the North Belfast Advice Partnership, and were able to work-shadow Geraldine at social security appeal tribunal hearings. As volunteers within the Legal Support Project students were also given access

to training on discrete aspects of social security law and immigration by Law Centre (NI).

The development of the Ulster Law Clinic began in earnest in February 2013, with the support of an external Advisory Group, chaired by the Chief Social Security and Child Support Commissioner, Dr Kenneth Mullan. The students formed the Management Board for the Ulster Law Clinic, chaired by Clinic Director, Ciarán White, and drafted the case work and management policies for the Clinic, developed information for the Clinic website, and progressed a referral strategy for Clinic cases.



Members of the Ulster Law Clinic's Advisory Group, with Pro-Vice Chancellor Professor Adair, Dean of Social Sciences Professor Carmichael, and Course Committee members of the LLM Clinical Legal Education



Ulster Law Clinic Management Board Meeting

The focus of the LLM CLE is on the advice and representation work provided by the students, under supervision. From February 2013, students were assigned an aggregate of 14 cases during their placement with LSP, providing free legal support to LSP clients. As part of this placement, students provided representation at social security appeal tribunals in four cases, three of which were successful. One appeal was dismissed and our student is currently reviewing the tribunal's decision to establish whether the case can be appealed to the Social Security Commissioner. Three cases have been adjourned by the tribunal and will be heard at the end of the summer, and one case has been conceded by the Department for Social Development (DSD). The remaining cases have been listed for appeal.

The newly established Ulster Law Clinic has been providing free legal advice to members of the public since February 2013, taking cases on referral and through direct enquiries. Within the Clinic, students worked on employment and social security cases, under the supervision of LLM CLE staff. In social security, students provided a detailed advice letter and a skeleton argument for a client from whom the DSD is seeking to recover a substantial overpayment of benefit. The Clinic was also able to provide advice to an Employment and Support Allowance claimant on the nature of evidence needed to substantiate the benefit claim, enabling the client to make a successful claim while providing students with the opportunity to assess the DSD's approach to gathering evidence for decision making.

Within the Clinic, the students also provided advice in three complex employment law matters referred to it, covering difficult topics such as discrimination law, TUPE transfers and unfair dismissal, and whistleblowing policies. Following extensive client consultations, detailed advice letters were produced for the clients on discreet aspects of these cases. Supportive connections were maintained with clients after the production of these advice letters, allowing students to assess the impact of the advice they had given while ensuring that the client experience was a holistic one.

Client feedback on the work of the Clinic has been extremely positive, and we are delighted to have been able to help members of the public with their social security and employment law problems.



**I have received the advice letter, sent from the Ulster Law Clinic today, and would like to extend my deepest gratitude to yourself and your students for all the work you all have put into it and support provided. It means a great deal to me.**

ULC client



Students participating in a mock Case Management Discussion

Training to support the students continued throughout the semester, including training by Don Leeson from the Labour Relations Agency on arbitration. Students also had the opportunity to observe at redundancy claims cases held in Industrial Tribunals (commonly called 'recession cases') and speak to the presiding Chairperson. Building on the work done in semester one, the Employment Law module co-ordinator, Dr Esther McGuinness, and the Clinic Director facilitated student participation in a mock Case Management Discussion, kindly overseen by Mr Adam Brett, and assisted by Mr Paul Gillen (both of Pinsent Masons), in a hearing at the Social Security Commissioners' Offices, hosted by the Chief Social Security Commissioner.

The landscape of legal need was further shaped by the Litigating in the Public Interest module in semester 2, during which students participated in a round-table discussion on public interest law, with members of the Public Interest Litigation Support project, the Equality

Commission, the Labour Relations Agency, the Northern Ireland Human Rights Commission, the Children's Law Centre and the Committee on the Administration of Justice. All of these organisations have been directly involved with litigating in the public interest and provided students with a very practical and informed discussion about mounting public interest litigation challenges.



**Thanks to all at the University of Ulster for your hard work. Without your knowledge I would have been sunk.**

ULC client







Visiting Professor Peter Sutherland, Australian National University, with Ciarán White, Director of the Ulster Law Clinic, Gráinne McKeever, Research Co-ordinator for Law, and Dr Eugene McNamee, Head of the School of Law

The work of the Ulster Law Clinic, through the LLM CLE, has generated significant national and international interest, and in June 2013 the Clinic hosted a visit by Visiting Professor Peter Sutherland, Senior Member of the Civil and Administrative Tribunal in the Australian Capital Territory, and a Fellow at the Australian National University College of Law, where he is the Convenor of the Legal Aid Clinic for the ANU Legal Workshop. During his visit Peter gave a public seminar on *Access to Justice, Legal Aid and Tribunals: the Australian experience*, which was attended by the Department of Justice, the Labour Relations Agency, the Office of the Attorney General, and the advice sector, among others. Peter worked with the LLM CLE students during his time at Ulster, providing advice and feedback on case handling; participating in the

Management Board discussions; and delivering a staff-student seminar on Australian social security law. In June, students also participated in a seminar on alternative dispute resolution with Sir David Carruthers, Chairperson of the Independent Police Conduct Authority in New Zealand, and formerly Principal Youth Court Judge and Chief District Court Judge in Wellington. The Clinic also hosted an introductory visit in June by Michael Martin, a Clinical Associate Professor of Law at Fordham University School of Law.

Closer to home, the objective of the LLM CLE to provide legal education focused on unmet legal need was picked up by a trainee journalist at the BBC, who completed a broadcast interview on the work of the Clinic and the future of legal education. The interview is available on the Ulster Law Clinic website at [www.socsci.ulster.ac.uk/law/clinic](http://www.socsci.ulster.ac.uk/law/clinic).



Gráinne McKeever, Research Co-ordinator for Law

In a short space of time the LLM CLE has provided many significant opportunities for students, above and beyond the original innovative programme of clinical legal education, and from which current and future students can benefit. Discussions are already underway to expand next year's placements to the regional office of the Citizens Advice Bureau to work with CAB's Specialist Support Officer on appeal submissions to the Social Security Commissioner. This placement is currently being piloted by one of our full-time students, Lynsey Elliott, paving the way for future student placements here. As part of the groundwork for developing the clinical legal experience in this way, the Clinic Director co-ordinated the opportunity for students to observe a Commissioner hearing, overseen by Commissioner Stockman, in order to better understand what is involved in those appeals on a point of law. Globally, links with Fordham University School of Law are being developed with a focus on the potential for student exchange programmes between our clinical law programmes. Work is also underway to build on the existing links with the Australian National

University's Law Reform and Social Justice Programme, and with the Public Interest Programme at the University of Melbourne, through Visiting Scholar appointments for Gráinne McKeever at both ANU and Melbourne.

The opportunities for students on the LLM CLE have been embraced by existing students and point the way to a significant and exciting new form of legal education for future student cohorts. We look forward to the challenges and rewards that this work brings.

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## LLM Clinical Legal Education

The LLM CLE programme is a distinct and unique contribution to legal education in Northern Ireland and on the island of Ireland, there being no comparable programme at undergraduate or postgraduate level. Its function is to supplement the range of legal service providers by focusing on unmet legal need in the fields of employment law and social security law, while giving students the opportunity to develop legal advice and advocacy skills and engaging their interest in the provision of legal services more generally.

To this end, students receive training in social security law, employment law, alternative dispute resolution and tribunal representation in preparation for providing advice and advocacy, to members of the public with appeals before Social Security or Industrial Tribunals. This advice and representation will be provided through the 'Ulster Law Clinic' (based on the Belfast campus) and/or on placement with advice sector organisations in semesters two and three. The programme also involves students in the development and management of the 'Ulster Law Clinic'.

## Admission Requirements

Applicants must:

- (a) have gained
  - (i) a second class honours degree or better in law from a university of the United Kingdom or the Republic of Ireland, from the Council for National Academic Awards, the National Council for Educational Awards, the Higher Education and Training Awards Council, or from an institution of another country which has been recognised as being of an equivalent standard; or
  - (ii) an equivalent standard (normally 50%) in a Graduate Diploma, Graduate Certificate, Postgraduate Certificate or Postgraduate Diploma in law or an approved alternative qualification;

*and*

- (b) provide evidence of competence in written and spoken English (GCSE grade C or equivalent); or, as an alternative to (a) (i) or (a) (ii) and/or (b):
- (c) In exceptional circumstances, where an individual has substantial and significant experiential learning, a portfolio of written evidence demonstrating the meeting of graduate qualities (including subject-specific outcomes, as determined by the Course Committee) may be considered as an alternative entrance route. Evidence used to demonstrate graduate qualities may not be used for exemption against modules within the programme.
- (d) In addition, all applicants will be required to submit a personal statement detailing their interest and motivation in undertaking the programme, and they will also be required to attend an interview to evaluate applicants' suitability for the programme.

Further information is available at

**[www.socsci.ulster.ac.uk/law/clinic/](http://www.socsci.ulster.ac.uk/law/clinic/)**