

# Clinical Practice

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## Jusshjelpa i Nord Norge – a Legal Advice Clinic in Northern Norway

*Lancelot Robson\* and Christian Hanssen\*\**

### **Geographical area**

The area covered by the Clinic must be one of the largest and most remote in the world. It covers the whole of northern Norway from Bodo in the south to Kirkenes near the Russian border, and includes the “counties” of Nordland, Troms and Finnmark. All of it lies within the Arctic Circle, which brings special challenges from the climate and thinly spread population. The permanent base is in Tromsø, in offices behind the port loaned from Tromsø University. From there student volunteers travel to visit most communes in the area, including Norwegian Lapland. Volunteers attempt to visit clients in each major commune at least twice a year, (cases came from 78 communes in 2003), either upon request, or by advertising a clinic session in the local commune building. Sessions in 28 major communes outside Tromsø were held in 2003.

The clinic is one of five similar clinics covering the whole of Norway, all founded upon operational and management principles pioneered by law students at Oslo University in the early 1970s. The Oslo JussBuss (literally the “law bus”) has passed into Norwegian legal legend.

### **Mission**

Jusshjelpa’s mission is to improve the availability of legal services in northern Norway, and its social positioning requires it to offer free legal help to those in most need.

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\* *Director of Clinical Legal Studies at Kingston University.*

\*\* *Manager, Jusshjelpa i Nord Norge, Tromsø University.*

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## **Caseload**

The operation is significant by most standards. In 2003 it dealt with a total of 2,147 cases. Cases are divided into two categories which do not correspond conveniently to English classification. “Muntlig” strictly translates as “oral”, but includes a certain amount of correspondence and contact with third parties. A “Skriftlig” (or written) case is generally more substantial, where there is considerably more contact with third parties and the issues are complex. The service dealt with 99 “Skriftlige” cases in 2003.<sup>1</sup> Overall, about 25% of cases involve contact with a third party. To use UK Community Legal Service classifications, 75% of cases are at the level of “General Help” and 25% are at the level of “General Help with Casework”.

## **Staffing**

The service has a full time manager and two administrative assistants, as well as 21 volunteers who provide the service. In English terms the clinic provides the type of service provided by both a Citizens Advice Bureau and a Law Centre. Due to the great distances involved, most clients initially contact the service by telephone. While personal contact is encouraged, it is estimated that only about 20% of clients are actually seen personally. In addition to the caseload, the more experienced volunteers or “Downscalers” train their successors and carry out social research projects.

Volunteers join one of three groups, Group 1 deals with Social Security, Immigration and Prisoners’ rights; Group 2 deals with Labour law, Housing law, and Debt; and Group 3 deals with Inheritance, and Family law (including the law relating to children). The clinic can deal with cases falling outside the main groupings, such as commercial law, but it does not offer advice relating to criminal matters.

## **Organisational arrangements**

The Clinic is organised as a charitable foundation, with final control vested in a general meeting of the organisation. An Administrative Board is responsible for policy, to which the office manager reports. The office manager (usually an ex-volunteer) is in charge of the day-to-day functioning of the service and the administration. All employees, volunteers, and members of the administrative board have a vote at the general meeting. The Administrative board has three representatives from the student volunteers, one representative from the law faculty (known as the professional resource person), and an independent external representative invited by the organisation. It operates with the benefit of a special licence granted by the Department of Justice.

## **Finance**

The office manager is paid an average industrial wage, although s/he could expect to command a rather higher rate on the market. One administrator has elected to do civil instead of military service and thus is paid pocket money plus accommodation. The other is paid for by the Norwegian Department of Work and Social Security, being employed on a scheme to help long term unemployed get back into work. Volunteers are paid 40% of the national minimum wage, or

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<sup>1</sup> *Jusshjelpa i Nord Norge Annual Report 2003 (Norwegian only)*

20% if they are “Downscalers”. In fact volunteers generally work much longer hours than the fractional posts they are paid for; this is part of their contribution to the service. Detailed records of hours worked are kept, which indicate that 37.6% of the work done by volunteers was given free in 2003. Administrative Board members receive a small payment for the extra work, equating to 50% of whatever they are paid for their volunteer work. The faculty resource person is not paid, and the organisation is currently considering how to remunerate the independent external representative. Other services pay a professional rate to the external representative for the hours spent, but it may be possible to persuade a retired local personality to do it for a nominal sum.

The Faculty of Law engages the Manager, while the administrators and volunteers are engaged by the Jusshjelpa organisation acting collectively.

About 75% of the budget ultimately comes from the Department of Justice, although the office manager, administrators and volunteers are actually employed by the University of Tromsø. The remainder of the funding comes from the Faculty of Law, student welfare organisations, county municipalities, local communes and private organisations. One of the manager’s duties is to maintain and improve the funding stream, either in cash or kind. Jusshjelpa nationally has much public goodwill which can be turned into donations. Jusshjelpa has its own separate account in the university accounting system, from which the staff are paid.

## **Legal politics**

Case working is the dominant activity, which informs the service’s other activities. In Norway a required learning outcome for law graduates<sup>2</sup> is to be able to participate in legal politics. Jusshjelpa students do this by drafting public information leaflets to be used by the service, taking part in newspaper debates, conducting surveys and research projects. The political work is mainly done by Downscalers. Currently two survey projects are being run. One seeks to identify the differences in the effectiveness of social services in different parts of Norway. The other survey hopes to establish the scale of people trafficking between Russia and Norway, which is a perceived problem in the area. The organisation consciously seeks a high profile. In a rather unscientific survey during his visit the writer noted that ordinary Norwegians exhibited a high level of recognition and approval.

## **Academic issues**

Surprisingly, academic recognition for volunteers has been slow in view of the fact that the system has been running since the mid 1970s, and in Tromsø since 1988. It is only recently that students have been able to have their service recognised as part of their degree programme. Norwegian students must study for 5 (previously 6) years to obtain a master’s degree in law. At least 4 weeks of that period must normally be spent in a lawyer’s office doing extra mural studies. That period is now waived for Jusshjelpa volunteers. Additionally the experience can be used as a compulsory special subject counting for 15 (30 in U.K. terms) credits. Additionally, from 2005 students will be able to gain 30 (Norway) credits for their clinical work, and a further 15 credits can be gained from doing a Jusshjelpa research project. Thus a student will be able to gain 45 credits in total, (i.e. 75% of a year’s work plus exemption from the extra-mural studies period.

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2 See for example Tromsø University Faculty of Law ECTS information package 2004/5 <http://uit.no/getfile.php?SiteId=4&PagId=396&FileId=56>.

## **Student commitment**

Volunteers are expected to spend a total of three semesters with Jusshjelpa. During the first two semesters they do casework. In the final semester they become Downscalers, when they train new recruits, hand over their personal files, and do the political and research work. Normally 6–8 new students are taken on each semester. To be eligible students must have reached year 3 of their studies and show commitment to the work. Competition for places is keen.

## **Accessibility**

Public opening hours for the advice service are fairly limited, although the office runs during normal office hours. At the main office telephone calls and new clients are taken in a two hour period, two days per week. Additionally, in co-operation with local law firms doing pro-bono work, the service offers two hours in the evening once per fortnight at a building in the centre of Tromsø. As mentioned previously the clinic also travels to other communes in the region, pre-advertising its visits.

## **Analysis of case work**

As might be expected from a general legal advice service, the range of case work is wide. Seventeen different categories were identified in the 2003 Annual Report. Family law was the most frequent case type with 14.9% of cases. Law relating to children accounted for a further 6.2%. Inheritance and housing law accounted for 13% and 11.5% of cases respectively. Money problems (7%) and employment law (7.3%) were also significant categories.

## **Supervision and insurance**

To U.K. lawyers the supervision and insurance schemes appear relaxed. Day to day supervision of cases is carried out by the working group collectively, with assistance from the more experienced Downscalers. The legal resource person from the Faculty normally only deals with policy issues, rather than individual cases. There is no necessity for a professionally qualified person to be available during consultations. The organisation carries its own insurance policy against negligence claims.

## **Some Questions for U.K. practitioners**

The Tromsø clinical experience raises a number of questions for U.K. clinical practitioners:

1. Can law students fill unmet legal need which the Community Legal Service system in the U.K. is failing to meet?<sup>3</sup> Consequently is it appropriate to publicly fund clinics and regard students as assets, rather than consider them as a mere expense to the public purse?
2. Is it possible for the U.K. clinical movement to create templates for a national or regional information and advice system based on law schools and legal education?

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<sup>3</sup> See for example 2004 LSG 101/37 p.4 Charities call for body to educate public on rights.

3. Can clinical work make our students more active citizens, and better fulfill nationally agreed degree learning outcomes?<sup>4</sup>
4. Does the present division between the academic and vocational stages of legal education inhibit the attainment of high quality legal outcomes?
5. Is the “professionalisation” of voluntary work in the U.K. discouraging students from joining in?<sup>5</sup>
6. Can the working methods and supervisory requirements of clinical work be relaxed far enough to allow the participation of all students who wish to do so?
7. Should we be afraid of learning outcomes which explicitly encourage participation in legal politics? What are the advantages and disadvantages of such outcomes?

In a later article the writers will review the Norwegian system as a whole to see how far the Tromsø experience is typical, and also examine Norwegian perspectives on the questions raised above.

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4 e.g. *Law Society/General Council of the Bar joint statement 2001*, and *QAA Benchmark Standards for Law Degrees 2000*

5 e.g. *the movement of the CAB and other advice agencies away from the dissemination of information – see 2004 LSG 101/37 p.4, above.*

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