

Editorial

SPECIAL ISSUE – CLINICAL AND PUBLIC LEGAL EDUCATION: RESPONSES TO CORONAVIRUS

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The following special issue of the journal is published jointly with the International Journal of Public Legal Education. The contents are therefore duplicated online for both publications.

Proverbial wisdom has it that ‘its an ill wind that blows nobody any good’ and, thankfully, the experiences of the CLE community suggest that this may ring true for pandemics as well as storms. In this special issue the reader will benefit from an initial analysis of the experiences of law teachers living through an unprecedented crisis and grappling with the unexpected requirement to rapidly adjust their practice to continue to meet the needs of both their students and the users of their pro bono legal services. The challenges faced by CLE practitioners are discussed from a variety of perspectives across eight practice reports drawn from the UK, USA and India. Although the difficulties discussed are significant, the responses and novel solutions presented across all the papers attest to the creativity, energy and commitment that is the hallmark of the CLE community, and they point to new pathways for clinics to engage with their communities.

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Our invitation to edit this special edition arose after we submitted an article for publication to the IJCLE in summer 2020, which is now included as our contribution to this edition with the title 'Taking Clinical Legal Education Online: songs of innocence and experience.' This article reflects on our four-year journey towards making clinical legal education accessible to distance learning students at The Open University. Our paper highlights experiments with technology, efforts to foster positive working relationships for remote student teams and how we have tried to reimagine the role law schools can play in promoting the development of legal capabilities in their communities. Professor Elaine Hall recognised that many other law schools were now attempting to adapt their teaching in a similar fashion, but in a considerably compressed timescale, and that this this experience should be highlighted in a special edition of the IJCLE. We were delighted to accept the invitation to guest edit the journal and have benefitted from the insights, reflection and analysis offered in the practice reports submitted for this special pandemic edition.

Codd et al focus their reflections on an innovative prison-based business and tax law clinic run by the University of Central Lancashire. Their discussion highlights the need to take a flexible and solution based approach to the planning and delivery of prison based clinics, not just because of the pressures of the pandemic, but also due to the need to negotiate a shifting landscape of government guidance and changes in priorities of prison and university management. A perspective from India is provided

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by Gigimon and Nandwana. This paper considers how the decision of the Indian judiciary to utilise virtual courts, and how a similar move by the National Legal Aid Service to conduct virtual Lok Adalats, impacts upon clinical legal education in India. The authors propose a working model for how legal aid clinics should respond.

Wallace provides valuable insights from the USA in her article 'Classroom to Cyberspace: preserving Street Law's interactive and student-centered focus during distance learning' around the transfer of street law methodologies into an online setting. The article discusses some of the challenges of recreating the interactive elements of street law that are at the core of its delivery in a virtual environment. Readers will learn a lot about how to adapt their own street law programmes and about the potential to consider new ways of reaching out and engaging schools beyond the borders of the physical classroom.

The pandemic has proved challenging for our students and there is a considerable amount of concern around the impact on mental health, which is why the article from Wapples makes such a valuable contribution to this edition. 'Promoting positive mental health in international postgraduate law students at a time of global uncertainty: a case study from qLegal at Queen Mary University of London' provides a practical example of what can be done to support students to help overcome feelings of isolation and maximise engagement in a time of uncertainty. Readers with international students will find this article particularly interesting as it offers insights

into the specific challenges they face and the importance of building networks of support.

Matt et al argue that despite the negative impact of the pandemic, clinical legal education programmes can find new and sustainable ways to deliver legal services to their clients. Their article explores the University of Exeter's transformation from an in person to a remote delivery service and offers insights into the lessons learned. What comes across strongly is no matter what the mode of delivery, the heart of all clinical work is the human connection.

Setting up a new clinic is challenging, but to do that during a pandemic only intensifies the challenge. In 'Royal Holloway University of London and the Afghanistan and Central Asian Association: New Partnerships and Challenges during COVID-19 in the Clinical Legal World' Antoniou et al share their experiences of adapting an emerging service in a time of uncertainty. This article shows the power of partnership to tackle inequality and respond to high levels of unmet legal need that impact on marginalised communities. The experience of setting up a new clinic and then dealing with the challenge of the pandemic is also the focus of papers by Thurston and Kirsch (University of Hertfordshire) and Howells (University of Derby). Both papers argue for the value of the continued use of virtual clinics in addition to face to face engagement.

Many of us working in law clinics have a legal practice background and some find the prospect of writing for journals to be a little daunting! We are really pleased that this

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edition has encouraged a number of colleagues to submit their work for publication to the journal for the first time. We hope that the discussions presented in these papers will encourage others to share their experiences by submitting work for future editions.

TAKING CLINICAL LEGAL EDUCATION ONLINE: SONGS OF INNOCENCE AND EXPERIENCE

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Abstract

In common with the wider higher education sector, clinical legal education practitioners are facing the challenge of how to adapt their teaching practices to accommodate the restrictions imposed by governmental responses to the Covid-19 pandemic. Facilitating distance learning via online technologies has unsurprisingly become an area of increasing interest in the hope that it may offer a potential solution to the problem of how to continue teaching undergraduates in a socially distanced environment.

This paper seeks to provide clinical legal education practitioners with evidence-based insights into the challenges and opportunities afforded by using digital technologies to deliver clinical legal education. It adopts a case study approach by reflecting on the Open Justice Centre's four-year experience of experimenting with online technologies to provide meaningful and socially useful legal pro bono projects for students

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studying a credit bearing undergraduate law module. It will analyse how a number of different types of pro bono activity were translated into an online environment, identify common obstacles and posit possible solutions. In doing so, this paper aims to provide a timely contribution to the literature on clinical legal education and offer a means to support colleagues in law schools in the UK and internationally, who are grappling with the challenges presented by taking clinical legal education online.

Introduction

*'I wish that I knew what I know now, when I was younger.'*²

Digital technologies have facilitated a rapid growth in opportunities for online learning. This has led to higher education institutions assimilating this technology into their teaching approaches in a variety of ways. Some providers have specialised in online learning as the main method of delivery, such as UK based institutions like The Open University and Arden University. Other more traditional providers have embraced these technologies to augment existing provision via lecture capture, virtual learning environments or by using online platforms to make some of their courses available to distance learners. A third group have launched collaborative new ventures to offer free learning via Massive Open Online Courses (MOOCs) which aim to disseminate degree level content to a global audience and create new revenue

² 'Ooh La La' Ronnie Wood, The Faces. Warner Brothers 1973.

streams in the process. This activity has generated an equivalent growth in academic research into the effectiveness of online methods for delivering higher education programmes, or augmenting programmes delivered in more traditional settings.

However, until the shutdown of higher education institutions resulting from the global response to the Covid-19 pandemic, the interest in online methods for delivering degree level programmes was something of a niche interest for most educators working in the sector. For the most part, the main method of delivery was still via face to face lectures, seminars and tutorials, and discourse regarding the challenges and opportunities of majority online delivery may have been viewed as a distraction from the core business of teaching and learning. The extent of the impact of social distancing on higher education was illustrated by the much-discussed announcement that an institution as apparently impervious to educational crosswinds as the University of Cambridge had committed to delivering all lectures online for the 2020/21 academic year (BBC, 2020) . All of this has put online delivery front and centre in the planning for the coming academic year, as universities try to work out how to provide the best educational experience possible for their students who, in the UK at least, will still be asked to pay tuition fees at pre pandemic rates.

This context presents particular challenges for academics working in law schools delivering clinical legal education programmes. These programmes tend to facilitate experiential learning by providing real world, or simulated, professional legal projects which engage members of the public (Bloch, 2010; Giddings, 2013; Maharg, 2016; Jones

et al., 2017). Typically this could include a face to face legal advice clinic, internship opportunities with legal advice charities or by delivering legal education workshops in schools, none of which are instantly replicable using online methods. As a result, research into the use of online methods has yet to make a significant impact on clinical legal education as it has, until now, not been a priority for the majority of those who are working in this field. However this has begun to change, as clinical legal education practitioners have started to experiment with online methods, either for institutionally specific reasons, or as a way of engaging with the wider disruptive impact of digital technology on the legal profession, which is already having an impact on the legal marketplace (McGinnis & Pearce, 2014). Such studies can be arranged into three thematic areas. Firstly, those which consider how clinical approaches in general could embrace the opportunities provided by online methods (Horrigan, 2019; Jones et al., 2017; McCrimmon et al., 2016), secondly, how the traditional legal advice clinic might be transposed to a virtual environment (Ryan, 2019; Thanaraj and Sales, 2015) and thirdly, how bespoke applications of technology, such as smart phone apps, might have particular affordances for supporting or extending existing clinical activity (McFaul and FitzGerald, 2019, Ryan and McFaul, 2020).

This paper aims to make a timely contribution to this developing literature by providing an evidence-based discussion of the challenges and opportunities afforded by using digital technologies to deliver clinical legal education. It adopts a case study approach by reflecting on the Open Justice Centre's four-year experience of

experimenting with online technologies to provide meaningful and socially useful legal pro bono projects for students studying a credit bearing undergraduate law module at a distance. Part I will provide an overview of the context in which the online clinical projects were developed. Part II will provide a detailed account by project leads of five of our projects and a discussion of the emerging themes will be provided in Part III.

Part I: Contexts

The Open Justice Centre was established in 2016 with the aim of utilising digital technologies to provide opportunities for Open University law students to benefit from the experiential learning that participation in pro bono legal activities can provide. The context within which OU law students study precluded the traditional face to face model of clinical legal education. With over 7,000 students, the OU Law School is the largest provider of open access undergraduate legal education in Europe and law students are largely based across the four UK nations. Unlike most higher education providers, students can begin studying their law degree without having gained any prior qualifications and the majority study on a part time basis. The challenge was to develop pro bono activities that could be accessed remotely but which did not dilute the essence of the clinical experience that students at 'brick' universities are able to access through traditional clinical programmes.

Our solution was to develop *Justice in Action*, a 30-credit level 6 module on the undergraduate law degree. The module is delivered online in two phases, Phase I begins by introducing the overarching themes of social justice, professional identity and professional ethics before developing transferable skills of legal research, writing, oral advocacy and online collaboration. Innovative applications of technology, [including bespoke smartphone based virtual reality](#), are embedded into both the teaching and practical phases of the module. There is a specific focus on how technology is transforming the delivery of legal services and developing the skills and competencies required for professional practice. Phase II involves students collaborating online to support the delivery of a range of pro bono projects. These projects fit into three broad categories. Firstly, bespoke online projects run entirely online, such as the online advice clinic, secondly, projects which are prepared and supported online but delivered in face to face settings, such as prison workshops and thirdly, projects which are run in conjunctions with external partners, such as legal charities. Phase III requires students to produce an assessed reflection on their participation, drawing on the themes introduced in phase I. Beginning with 100 students in 2017, we anticipate 180 students will study the module in the 2020 academic year with approximately half as many again taking part in projects on an extracurricular basis.

Space does not permit a full treatment of all our online activities, so Part II will provide a detailed description of a representative sample of some of our key projects. These will include those which have developed as online only projects, with either live or simulated clients, and a project which uses online methods to support, prepare and supervise students to deliver offline projects in prison settings.

Part II: The projects

Open Justice Law Clinic: Online legal advice

The Open Justice Law Clinic³ utilises Clio, a web conferencing platform and a cloud-based case management system, to deliver online legal advice. ⁴ Free access to Clio is made available to universities through its academic access programme and facilitates the provision of legal advice to members of the public anywhere in the United Kingdom.⁵ Clients access the law clinic via a website where they complete an online form outlining their legal issue. Enquiries are sent to the clinic mailbox where they are triaged to determine their suitability for the clinic. The client is either allocated to a firm of law students or signposted to other sources of help. Once the case has been accepted the client receives a notification to set up a Clio Connect account. All client interaction takes place within the case management system. Clients upload

³ <https://www.open.ac.uk/open-justice/legal-advice>

⁴ <https://www.clio.com/uk/>

⁵ <https://www.clio.com/uk/academic-access/>

documents relating to their case and interact with students and supervising solicitors via secure messaging. The students meet the client to conduct a fact-finding interview which takes place in AdobeConnect, a web conferencing platform. Students research the legal issues and then using document and communication templates prepare a letter of advice. The students' work is supervised by qualified solicitors and the advice is reviewed before being distributed to clients. Since its inception in October 2017, 115 clients have received legal advice and an additional 200 clients have been signposted to other agencies for help. The clinic advises on a range of legal issues including employment, contract, data protection, consumer law and small claims. Most clients find the law clinic via a search engine and we have not yet had to proactively generate client queries.

From the perspective of the client, there are clear advantages to offering a university law clinic via an online platform. There are many reasons why it is not possible for some clients to attend face to face law clinics. A virtual law clinic is a flexible model because there are no physical or geographical barriers to participation; students can advise anyone with an internet connection. The impact of legal aid cuts has meant legal advice deserts exist in many places (Amnesty International, 2016). A virtual law clinic has the potential to reach communities where the provision of legal advice has disappeared, although it is recognised that pro bono legal services are not a replacement for legal aid. A virtual law clinic provides a solution for some but not all people there are clients who do not have access to technology or the confidence to use

a remote service. The literature demonstrates that the proliferation of technology is not without risk many as tools are not designed to support the needs of users and there is concern that many people face digital exclusion (Hagen, 2018; Sanderfur, 2019). In our experience, there are some areas of legal work and some clients where advice in person is the preferred option, so while a virtual law clinic is not a replacement for face to face advice, it can work to enhance the provision of legal support.

From the student perspective, the flexibility provided by a digital platform removes geographical barriers to participation but also provides direct experience of how digital technologies are transforming the delivery of legal services. Indeed, there is a growing expectation that students will have developed the skills to work in a changing legal profession (The Law Society, 2020). However, the benefits for students of participating in a virtual law clinic should not be reduced only to a discussion of job-related skills (Nicholas, 2018). Given the deficit in the provision of legal advice, technology has the potential to be leveraged to address issues of access to justice (McGinnis & Pearce, 2014) and the flexibility offered by digital platforms raises the prospect of university law clinics collaborating in ways that are not possible using face to face clinics. This could potentially include students from different institutions working together on cases, or the pooling of supervision expertise to allow the coverage of a wider range of legal issues for example.

Digital justice: smartphone applications and chatbots to disseminate legal information

The Open Justice Centre initiated the digital justice project in 2019 as a means of exposing law students to a cross disciplinary pro bono project aimed at using smartphone technology to disseminate public legal information (McFaul et al., 2020).

The provision of accessible sources of information is recognised as a key component for addressing unmet legal need (Plesence and Balmer, 2014) and some university law schools in the UK and beyond have begun to experiment with this technology (Ireland et al., 2020; Lupica et al., 2017). The creation of smart phone apps and chat bots presents an opportunity to develop and provide legal information that can be targeted at specific audiences. Our *Digital Justice* project aims to allow students to experience the challenge of exploiting technology to provide legal help, to be able to identify useful legal services that can be delivered through legal tech and design and build legal tech that enables self-help in an agreed area of law.

In the first iteration of the project ten students were selected for the project after a competitive application process. Students worked in two groups, each with a brief to develop a smartphone app to disseminate information on employment law. The project adopted scrum methodology to facilitate team collaboration during a four-stage design process, each lasting four weeks. The teams were supervised by a computing academic and law academic and met online at the start and end of each phase to review and agree the tasks for the next phase. Stage 1 was the inspiration stage where students were immersed in an unfamiliar environment, introduced to

technology tools, new people and an area of law. In stage 2, students started to synthesise to find meaning in what they had gathered and started to build the foundations for a workable legal tech solution. In Stage 3 students were encouraged to experiment, they generated ideas and prototyped their designs. In the final phase they refined the design by focusing on how it would work with users and reflecting on the process they had undertaken.⁶

Students felt that the project provided an exciting opportunity to develop their technology skills which they saw as having increasing relevance to law: 'it feels like there is going to be a lot of development in legal tech and so it seemed like a really relevant thing to get experience in.' The project allowed students to develop transferable skills: 'maybe I can, you know... make apps myself to help people or my career prospects, but also for my own personal use.'

In the second iteration of the project, fifteen law students in three teams created and designed a chat bot app to provide legal information on an area of family law. To develop the project, we have invested in commercial software to allow our students to use a no-coding platform to create chat bots. Chat bots are conversational workflows that use AI technology built into the software to mimic human conversations. Josef provides a platform to build bots, the platform is straightforward and easy to use requiring a minimal amount of training. The bots can be linked to

⁶ A full technical report on the computing architecture and design process has been published (Byrne 2019).

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external websites and can populate and format legal documents. The feedback from students was that 'the project had extremely high value as it has application to the real world' and it was 'really interesting, enjoyable, challenging and stimulating, I really enjoyed the fusion of tech and law.'

One of the challenges is facilitating team collaboration at a distance. The level of commitment from students varies and this can have a negative impact on team dynamics (Shirley and Cockburn, 2009). A significant commitment in academic time and investment is required to support legal tech projects but students benefit from having opportunities to engage in real world experiences and there are opportunities for law schools to partner with legal charities and organisations to further develop these projects (McFaul et al., 2020). There is growing interest in incorporating legal tech into the curriculum, law schools are starting to come together to explore the pedagogical benefits and challenges.

Online Public Legal Education

As a distance learning university, we are aware that some of our students may not be able to participate in face to face public legal education events such as is commonly undertaken in Street Law workshops in schools and other community settings. As such, we developed opportunities for students to engage in public legal education

online. This has mostly taken place through the medium of Open Justice Week⁷, which has run for three last three years.

In addition to Open Justice Week, students have also worked with the Young Citizens⁸ charity in updating, refreshing, and adding content to their Smart Law materials, which are made available to primary and secondary educators as part of the Young Citizen's programme of support for citizenship-based education.

For Open Justice Week, students have been invited to contribute to providing materials that aim to promote public legal education and information through a variety of formats including, for example, online lectures on Adobe Connect, factsheets, or guidance documents. In the first iteration of the project students worked in groups to a simulated brief produced by the Open Justice Centre. However, recognising the value of real client contact to CLE pedagogy, in the second and third years, students were briefed by external organisations. For example, they were asked to research and produce information and guidance on employment rights for non-unionised workers, for the Inverclyde Advice and Employment Centre. In addition to this, each individual student on this project was asked by the Open Justice team to provide an additional factsheet on an issue pertaining to employment law. All materials pertaining to Open Justice week were published on an Open University owned and controlled externally facing website, during the week the event was held.

⁷ <https://www.open.ac.uk/open-justice/events/open-justice-week>

⁸ <https://www.youngcitizens.org/>

The event was publicised by the Open Justice team through our social media channels, and students were encouraged to also share the responsibility of promoting the event through their own channels.

The strength of this project is that it gave students unable to take other opportunities the chance to contribute to public legal education. There has been some excellent work produced by students during the last three years, and substantial efforts made by many students. Its weakness is that it was perceived to be the 'easy' option by students, and subsequently this was reflected in some of the work produced, which has not been up to standard. Issues around collaboration persist, and several students have allowed others within their groups to carry the burden of most of the work.

Additionally, although students can contribute to real-life briefs, because they do not have a connection with the client – it is mediated through the Open Justice Centre – they do not obtain the benefits of working directly with members of other organisations. The physical distance between client and student can lead to the dilution of the professional connection between the two. Consequently, students may treat their tasks just like another assignment, without regarding its product as something designed to be used by an external organisation. This can mean that the instilling of values in our students can be less effective. In particular, students may not have the same regard to ethics of professionalism that might be obtained through other projects.

Policy clinic – Research as advocacy

Whilst many students volunteering for pro bono work welcome the opportunity to work directly with members of the public, some students prefer the additional flexibility offered by engaging in advocacy via research-based tasks. Students often reach the end of their law degree having defined their task as grasping and applying current law and resist considering, foreseeing, or working towards different legal rules and practices in the future (O'Connell and DiFonzo, 2006). Following an introduction to the policy clinic at Northumbria University law school, we introduced an online policy clinic in 2019 where students work in small groups to carry out desk-based research, with the aim to influence policy and/or law reform.

We considered a number of different models of clinic including an approach similar to Whittier Law School Legal Policy Clinic, where students choose their own project (Patton 2014). However, we wanted students to have an experience of working for a client and so students in the clinic researched an area of law on behalf of a charity or other organisation to provide analysis and evidence to influence policy and initiate law reform. The students worked in small groups and collaborated online on the research, analysis and report writing using a range of technological tools to support them. Students could therefore work on the project flexibly to suit their circumstances, whilst regular online meetings facilitated discussions to progress the project.

In its first iteration students in the Policy Clinic worked on a brief provided by JustRight Scotland⁹, a human rights charity. JustRight Scotland engage in policy work on behalf of survivors of female genital mutilation (FGM) and women at risk of FGM to improve protection and support. The charity requested support for their response to the Scottish Parliament consultation on FGM arising out the introduction of the FGM Protection (Scotland) Bill in 2019. Students were asked to produce a report on the draft bill and to provide policy recommendations to strengthen and improve protection in Scotland for victims of FGM. The students were supported by two academics experienced in policy and advocacy work, one from the charitable sector and the other in the public sector. The students therefore benefitted from the advice and experience of those working in diverse policy arenas.

Following an online briefing from a director of the charity, students carried out initial training on conducting legal research, carrying out literature reviews and collaborative working. They then carried out desk-based research into the issues including comparisons with protections provided by other countries. Following the research stage, the students analysed their research and finally produced a report of their findings for the client. The project was clearly structured, and students were only permitted to move from one stage to the next following supervision with an academic. This allowed us to provide additional support and guidance where needed to ensure the students' final report was of a high standard and useful for the client.

⁹ <https://www.justrightscotland.org.uk/>

However, this approach did require a higher time commitment from academic staff than we originally anticipated.

One aspect we did not anticipate was that the students' research skills were not always sufficient for what they were asked to do. Students were proficient in more traditional legal research and sometimes struggled to find the information required to analyse the current law. We needed to provide additional support and training during the project. Therefore, we intend to include additional training on research in advance of students starting their project in a planned way.

We were concerned in the development stage of the project about the ethical and data protection implications of students carrying out empirical research. Due to university processes, it would be difficult to obtain ethics consent within the timescales the clinic operates. We therefore decided to only permit desk-based research using existing secondary sources. Due to the nature of the brief provided by the client, this did not prevent the students from completing their task. However, this is something that will need to be kept under review each year.

The main issue we had in the clinic was a breakdown in the students' relationships which led to difficulties in collaboration. This is something that occurs both face to face and online, but can be exacerbated online due to the lack of visual cues (Long et al 2013). With careful management by clinic staff, students were encouraged to work independently on specified areas and with support they re-built their working relationship and produced the final report together collaboratively.

Online Mediation – utilising simulations

The online mediation clinic started in 2018 and has trained 31 students in professional standard online mediation skills. The Civil Mediation Council (n.d) defines mediation as “a process where an impartial person (the mediator) helps two or more people, or groups of people, to discuss and resolve disputes.” Important features of mediation include the fact it is voluntary, confidential and the process is under the control of the parties (Waters, 2014 p92).

Students attended four online training sessions run by two trained mediators, one a family law mediator and one an employment judicial mediator. The training did not focus on one particular style of mediation and covered the different mediation models and generic mediation skills. Students learned about the mediation process, the difference between effective online and face to face mediation and mediation skills. Outside the sessions, students worked in small groups, collaborating online using a variety of synchronous and asynchronous tools. They practiced the skills taught in the training sessions using scenarios provided by the mediators, alongside completing additional reading and activities. This training process took place over three months. Students then took part in a practice mediation session where they alternated between playing the part of the mediator and client. There was a final simulated mediation session where students mediated a dispute with actors playing the part of the clients. Students felt confident to mediate these final sessions themselves due to the progressive development of their understanding and skills in the training, as one

student commented: 'the mediation training was brilliant and gave me the skills to competently mediate a dispute between two fictional clients.'

The combination of theoretical and practical training enables the students to obtain all of the benefits outlined by Mekel-Meadons (1993); a better understanding of how the legal system operates, experiential learning, better lawyering skills and a better understanding of the role of values and ethics. They understand the place of mediation within the civil justice system. Their transferable skills are developed including communication skills, conflict resolution and online skills. Students also appreciate that resolving disputes through the courts may not always provide clients with the opportunity to gain a just or desired outcome; 'I have learnt that what could be seen as the traditional route through the legal process, is not obtainable or viable for all situations, therefore, mediation as a form of ADR (alternative dispute resolution) can be a route to obtain social justice.'

The online nature of this project has made it accessible to a wide range of students, including those who would be unable to participate face to face due to their personal circumstances. Both the training and mediation sessions have been effective in the online environment and students' general online skills have improved as they have explicitly considered the implications of operating in an online, as compared to face to face, environment.

There are two things we would have liked to have known before starting. Firstly, some students had difficulties relating mediation to wider themes such as social

justice, professional identity and professional ethics. Students became very focused on skills development and struggled to connect their experiences to their wider learning or the legal system. As the project has developed, we have become much more explicit in highlighting for students the links to these themes, particularly professional ethics.

Secondly, at the start of the project we invested a lot of time trying to locate a partner to allow students the opportunity to mediate disputes between real clients. We were unsuccessful in this; we did not want to work with vulnerable clients as we were concerned that they may lack the means or confidence to access an online mediation service. We were also constrained in when we could offer this service due to extensive training period before students could act as mediators. We therefore used simulated mediations instead. Whilst this was disappointing for us as educators, student feedback consistently welcomed the simulated nature of the mediation as it gave them confidence and security. We still hope to develop the project to be able to offer services to members of the public, but would retain the simulated mediation sessions as a valuable learning experience for our students.

Public Legal Education in Prisons: Providing online support for face to face pro bono activities

Since 2017, the Open University Law School through its Open Justice Centre has run pro bono public legal education projects in eleven prisons across England and Wales. Over ninety law students and seven tutors have taken part. The value to law students of undertaking pro bono public legal education in terms of developing their legal

research, writing, presentation and professional skills has been well documented (Draslarova, 2019; McQuoid Mason, 2008; Montana, 2009).

Our prison projects are particularly challenging within the context of the Open University as most students have never met each other, or their tutors, face to face. Invariably, the first time they meet is outside the prison gate. While the projects are delivered face to face within prisons, the preparation for each visit and the debrief afterwards are conducted entirely online. It is fair to say that we underestimated the challenges in working with time-poor students at a distance (and we also underestimated the challenges of working within the prison environment). The online support for students consequently includes the building of effective working relationships between students and between them and their tutors, as well as the substantive work of preparing appropriate law resources for prisoners. A summary of the process is provided below:

1. Online briefing session for law students

Before the first of three prison visits, students are required to attend an online briefing or to listen to its recording. Aspects covered include security issues and the professional responsibilities of law students.

2. Online Open University safeguarding training

Students are required to undertake short online safeguarding training courses provided by the university. These are concerned with safeguarding issues with respect to the prisoners.

3. Online meetings

The tutor appointed to support the students on each prison project meets them regularly for planning purposes before each prison visit and afterwards for a debrief via the Adobe Connect platform. Most students are quite reticent in an online environment if they have not met each other or their tutor. They prefer not to use their microphones and instead ask questions via the chat box. Understandably, the students are more relaxed in the online environment once they have met each other face to face on the first prison visit.

4. Online forums

Each prison project has its own online forum for the tutor and their students. It is used to prepare for each prison visit by sharing, critiquing and re-drafting the learning resources developed by the students. Most students are initially apprehensive about the process, but appreciate its effectiveness after the first prison visit.

5. WhatsApp

We now encourage students in each prison project to set up a WhatsApp group. This development was needed to accelerate the building of good working relationships, to improve informal group communication and to provide peer support. Most of our

students work and otherwise have extensive commitments: WhatsApp is an easy and immediate means for them to communicate. We also needed a more effective way of liaising with the group on the day of each prison visit to keep everyone abreast of arrival times, travel delays and a place to meet.

Most of the prison projects have been in partnership with St Giles Trust¹⁰. The charity selects and trains prisoners to act as peer advisors to their fellow prisoners. Together, the law students and peer advisors identify areas of legal need in the prison, which the students then research and develop suitable learning materials to help address that need. Subjects covered have included indeterminate sentences, release on temporary licence and restraining orders. The peer advisors are then able to disseminate this knowledge to other prisoners. In another prison, the dissemination of general legal information takes place over prison radio.

Most students on the prison projects report finding their experiences transformative. It makes them reflect deeply on the criminal justice system and the punitive and rehabilitative functions of prisons. They are often intrigued that the stereotypical picture they had of prisons and prisoners is confounded by the reality they encounter. A few change their career direction to becoming lawyers specialising in criminal law, others volunteer with prison education departments or with charities working in prisons. For many, it is the most worthwhile and impactful thing they do on their law

¹⁰ [St Giles Trust](#) is a charity which provides help and support for the vulnerable and disadvantaged in prison and community settings.

degree: 'I believe that this programme with St Giles will probably be one of the most powerful learning experiences which I will have on my journey into "law".'

Part III Learning from experience

Our experience of taking CLE online, outlined above, has been fundamentally positive. It has allowed distance learning students to participate in pro bono legal projects that would be otherwise closed off to them. This has been to their benefit, evidenced by both the high pass and completion rates on the module but also from their feedback on how the experience has informed their professional and personal outlook. Such experiences are no doubt familiar to clinical educators in other law schools. However, the task of taking clinical legal education online does have inherent challenges that have become apparent to us during our four year experiment and which echo issues raised in the developing literature in this field (McCrimmon et al., 2016; Horrigan, 2019). We have identified three key themes that summarise the range of issues we wish we had been fully aware of before commencing our experiment; collaboration, quality and congruence. Each will be discussed in turn below.

Collaboration

All of the online Open Justice projects involve students working collaboratively in small groups. Collaborative working can be difficult for students whether online or face to face; students simply may not get along or there may be differing expectations,

motivations and engagement (Muirhead, 2001; Bugden, 2018). However, there are additional challenges in the online sphere. If students have not met, it can be harder to build trust, and co-operation (Bauman, 1993). Online small group work may result in the use of stronger, more inflammatory communication (Siegal et al 1986; O'Sullivan and Flanagan, 2003). In a virtual environment you can miss non-verbal clues and there can be delays in communications and miscommunications, such as students making assumptions about remote team members' motivations and contributions and being less able to see things from their colleague's point of view (Long et al 2013). Students can have different schedules, even different time zones, and this can make it harder to build rapport and teamwork.

In order to overcome these challenges, we worked to build our students' capacity to collaborate virtually and we used a range of online collaboration tools and strategies to support this. We carefully scaffolded learning about and participation in collaboration to develop our students' ability to work in online teams. At the start of their project we provided training and guidance on team development. For example, we used scenarios to encourage students to work through how they would problem solve collaboration issues. Students were asked to agree and write a team agreement on how they will collaborate together. This included assigning roles and responsibilities, agreeing communication methods and deciding how they will resolve disputes. The team agreement had to be submitted as part of the first assignment but was not given a mark. Instead students were assessed on an individual reflection on

the process of drafting the team agreement. This ensured the assignment was worth enough credit to commit students to its completion, but not so much so that the students were overly committed to the final grade (Long et al 2013).

Following the first assignment students started work on their project and there were online small group meetings with their tutor, where effective online collaboration was modelled by the tutor. Students were encouraged to gradually take over responsibility for the running of the online small group meetings and the management of the group work, using the skills and techniques they had learnt and observed from their tutor. Two months into the project there was a further assignment where students were asked to reflect on their skills development, including collaborative working. Students were asked to identify where their skills have strengthened and how they will address remaining weaknesses. This allowed the tutor to assess collaboration within each small group and to identify any issues which needed addressing. Students continued to meet and collaborate independently, with regular progress meetings with their tutor where any issues could be addressed.

This scaffolded approach recognises that students may not have the necessary skills to work in an online environment and encourages them to acquire these skills in a supported way, following which students work independently in their small groups. Online collaboration is not an innate skill and students need significant advice and guidance on how to collaborate, particularly in the online environment (Susamn and Majchrak 2003, Shirley 2009, Long et al 2013, Bugden et al 2018).

However, it is the argument in this paper that investment made in developing these skills is worthwhile, both in terms of the success of the online projects, but also in terms of students' development. Collaborative skills are a highly sought after graduate skill, for both legal and non- legal careers (Eisner, 2010). Online group work offers advantages for both students and law schools. It can be more accessible for students, particularly for those who have difficulties attending face to face events. It is more flexible for students due to the mixture of synchronous and asynchronous opportunities to work together. This allows students a greater opportunity to engage as they work around their working or caring commitments. Online collaboration skills are also a desirable employability skill as the ability to collaborate virtually improves teamwork skills in the co-located environment (Ubell 2010). For law schools, it can offer a flexible and attractive way to work with external partners; partners do not need to travel to a campus to meet students and the time commitment and associated costs are therefore reduced.

Quality

Ensuring the quality of the clinical practice for both the student and the client in an online environment has been an issue that has been particularly challenging. This involves several related issues. Supervising students at a distance in all online projects requires careful management and planning and also sufficient investment in qualified staff with the right combination of legal and pedagogical skills. It takes thought and planning to devise teaching materials that can effectively train students in the practice-

based research and clinical processes required to produce work of sufficient quality. This is particularly the case where students are involved in creating materials for public consumption. The processes around quality assurance in the advice clinic setting, where work is signed off by a qualified lawyer, is of equal importance in other public facing projects and the ability to monitor the processes and outputs around student work needs careful thought and planning. We have given a lot of thought to considering whether our assessment regime can help support the quality of student outputs by directly assessing their work on the projects. Given the variety of projects, the reliance on group work and dispersed nature of the cohort, we have yet to devise a model of assessment that would achieve this. Instead, we rely on the assessment of students via a 3,000 word critical reflection, an approach adopted by other online clinical programmes (McCrimmon et al., 2016).

Congruence

Our experience has also highlighted the need to facilitate projects which are congruent with professional standard legal work but also congruent with the capacity of students to participate properly in them. Our aim was to construct projects which gave students the experience and insights that professional standard pro bono activities can provide. In our experience, this can best be achieved by giving students as much exposure to real clients as possible (Ryan, 2019; McFaul et al, 2020). We have achieved this in many, but not all our projects. Our Mediation and Digital Justice projects have relied on simulated briefs, but our aim is to develop suitable partnership

arrangements to provide the opportunity for students to gain client facing experience and to use their skills for the direct benefit of members of the public. Our successes in providing students with exposure to clients have often been the result of either bespoke uses of technology, such as the online advice clinic, or a result of partnership relationships with external agencies.

However, providing this level of experience for students working online has to be balanced with an awareness and appreciation of the ability of students to participate in the projects offered whilst balancing their other commitments. The first iteration of our online clinical legal education module made it mandatory for students to participate in two pro bono projects. This proved to be an unrealistic level of expectation for our learners and we had underestimated the time and energy required for them to work collaboratively on demanding client facing projects. As a result, we had to modify the requirement to one mandatory project and offer participation in an additional project on an extra-curricular basis. We have found that this has had significant benefits for the level and quality of student participation and the importance of not overloading students is a finding that is supported by other authors (Horrigan, 2019).

Conclusion

This paper has reviewed the experience of the Open Justice Centre's four-year adventure in taking clinical legal education online. We have argued that it is possible

to provide meaningful and engaging clinical legal education activities to students studying at a distance but that there are significant challenges to be negotiated in doing so. Key among them is the need to invest time and energy in developing effective working relationships in an online environment, as well as investment in experimenting with appropriate applications of digital technologies. Also, investment in relationships with external partners who can help facilitate student exposure to live, rather than simulated clients is important.

We have argued that overcoming these challenges will allow students to benefit from the personal and professional development that pro bono legal work can provide. Further research and experimentation are required to understand how digital technologies can improve clinical practice for both students and members of the public. A particular focus of this research should be the extent to which the move to online methods during the pandemic will open up new possibilities for enhanced collaboration between University law clinics. It would be a heartening if the social distancing that we have been forced to endure prompts clinical educators to work towards building a flourishing online clinical legal education community.

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**'THE BEST OF TIMES AND THE WORST OF TIMES': REFLECTIONS ON
DEVELOPING A PRISON-BASED BUSINESS LAW AND TAX CLINIC IN THE
MIDST OF A GLOBAL PANDEMIC**

Helen Codd, Lucy Blackburn, David Massey, Deborah Wood & Stephanie Jones¹

Introduction

This practice report explores the dynamics, opportunities and challenges of developing an in-prison CLE programme offering advice on business law and tax, against the backdrop of the COVID-19 pandemic and the pre-existing constraints of prison security. This initiative has its roots in two clinical education initiatives at the University of Central Lancashire (UCLAN) - an existing Business Law Clinic based in the School of Justice, and an experimental low-income taxation advice project run by the UCLAN Business School. The interdisciplinary team taking forward this project includes staff with expertise and experience in taxation, CLE, business law, penology, and prison research.

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Clinical Education at UCLAN

Legal education at UCLAN has a long history of commitment to clinical legal education, and to offering students opportunities to develop 'real life' skills and experience, including the provision of legal advice. In the early years, prior to the mid-1990s, this was offered via the Preston Free Legal Information Service, which was based in the Law Department and which employed a part-time legal caseworker to oversee student volunteers along with experienced and professionally qualified academic staff. This in turn led to the creation of a generalist Law Clinic, and more recently a specialist Business Law Clinic, which has developed to include a specialist Franchise Clinic. In addition, UCLAN works alongside a local solicitors' firm to provide a free Immigration Clinic once a month. The Business Law Clinic was established to provide local SMEs and entrepreneurs with guidance relating to matters such as contracts, intellectual property and GDPR. Run by Stephanie Jones and providing real-world experience for UCLAN's students and graduate legal advisers, clients are provided with six months of support which includes written advice and drafting of documentation. Helping small businesses and providing experience for otherwise disadvantaged graduates and students casts a less-traditional lens on social justice but it is certainly a valid one. To date, the clinic has advised over 170 small businesses but the need for this type of help is evidenced by a 2018 report of the Legal Services Board based on research over five years where they concluded:

“we estimate the annual cost of small businesses’ legal problems to the UK economy to be roughly £40 bn. Furthermore, 20% of businesses reported health impacts on personnel, which extrapolates to a minimum of 1.1m individuals, with possible knock-on effect for health services.”²

Over 50% of small businesses try to solve their legal problems completely alone. The legal and regulatory needs of small businesses, start-ups and charities are often overlooked because these organisations are presumed to have money in their budgets that can be used to pay for legal advice, but this becomes unlikely, particularly in an era of difficult trading conditions and rising legal fees. Many law firms offer a 30-minute free consultation but that is simply not enough to allow a small business to create a compliant structure where problems can be prevented rather than simply latterly reacted to. The Business Law Clinic was the first business-dedicated clinic of its kind in the North West and helps UCLAN undergraduates and graduates gain otherwise elusive experience of working with commercial clients. The Business Law Clinic attempts to level the playing field for UCLAN graduates and students whose A-level results or social background may prohibit them from acquiring essential work experience in commercial law firms, which recruit mainly from Russell Group universities. Over 88% of trainee solicitors in commercial law firms are recruited from

² <https://research.legalservicesboard.org.uk/wp-content/media/FINAL-Small-Business-Report-FEB-2018.pdf> (accessed 16 October 2020).

Russell Group universities³ with most of those trainees coming from middle class backgrounds⁴. Almost 70% of graduate employers see relevant work-experience as an essential part of a graduate job application⁵. In addition, a group of students and staff began delivering will-writing sessions in a local training prison in 2019, and there are clear potential links between will-writing, financial planning and taxation matters.

Within the Business School at UCLAN, the Law and Taxation modules offered have adopted an ephebagogic philosophy (developing students as emerging adults) but, within an accounting curriculum geared to professional exemptions, have struggled to incorporate the exposure to the real-world that this requires.⁶ Business schools fall well behind their law school colleagues in offering clinical opportunities to their students and in providing pro bono services for those in need of them.

An opportunity arose to begin addressing this missing element in students' learning via the creation of a low-income tax clinic. This was a partnership between UCLAN's Business School, Lancaster University Law School and the national charity, TaxAid. The clinic completed its 10-week pilot stage in March 2020 just days before university campuses moved to online delivery and remote working where possible. Although

³ <http://www.chambersstudent.co.uk/where-to-start/newsletter/law-firms-preferred-universities> accessed 16 October 2020

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/434791/A_qualitative_evaluation_of_non-educational_barriers_to_the_elite_professions.pdf accessed 15 October 2020.

⁵ <https://www.ucas.com/connect/blogs/work-experience-important> accessed 15 October 2020.

⁶ Lucy Blackburn, 'Ephebagogy and Clinical Legal Education' [2020] 27(2) International Journal of Clinical Legal Education <<https://www.northumbriaajournals.co.uk/index.php/ijcle/article/view/962>> accessed 29 October 2020

short, the pilot was sufficient to demonstrate that there was a demand for tax advice that UCLAN business students could fulfil⁷.

Prison Research at UCLAN

Interdisciplinary prison research is a key strength at UCLAN, including demonstrable strong links with local criminal justice agencies and institutions, including prisons, and a strong record of conducting research in prison settings and working with a range of professionals in consultative roles. The cross-faculty Criminal Justice Partnership includes a specific prisons strand and thus students involved in delivering the proposed clinic will be supported by staff with extensive practical experience and a high level of expertise in working in prison settings.⁸

Why set up a Business Law and Tax clinic in a prison?

There are both pragmatic and theoretical justifications for developing and delivering a prison-based business law and tax clinic. Indeed, tax clinics are offered in prisons by

⁷ Amy Lawton and David Massey, 'Out and About - North West Tax Clinic and pro bono tax advice' [2020] 186(4765) Taxation <<https://www.taxation.co.uk/articles/north-west-tax-clinic-and-pro-bono-tax-advice>> accessed 29 October 2020

Amy Lawton and David Massey, 'Opening our doors' [2020] October 2020 Tax Adviser <<https://www.taxadvisermagazine.com/edition/5756>> accessed 29 October 2020

⁸ For the purposes of this article, the term 'prison' will be used in its broadest sense, as the location of the detention of some of those people who are awaiting trial or sentence, and the location of the detention of those offenders who receive custodial sentences including imprisonment (for adults aged 21+) and young offenders (under 21). This broad definition, therefore, includes establishments which are not technically 'prisons' as they are, for example, 'Young Offender Institutions' for those aged under 21.

a number of US law schools, including Harvard, Fordham and several others. Universities in the UK often deliver programmes within prisons, one of the most well-known being the range of “Learning Together” programmes which to date have involved over 600 students⁹. Alongside this there are free legal and advice services, some of which utilise volunteers including students. These often focus on prisoner welfare, family contact, family disputes and planning for release, including issues of housing and welfare benefits. At first glance, it may not be apparent that there is an unmet need for prisoners to have access to advice about business law and taxation. However, as a consequence of the publicity for the tax clinic the staff involved were approached (through Twitter) by a social enterprise and asked whether students might also assist prisoners to resolve their tax issues with Her Majesty’s Revenue and Customs (HMRC). It became clear that the tax difficulties facing prisoners mirrored those faced by the tax clinic’s low-income clients, in particular the challenges of getting up-to-date with outstanding tax returns.

This unmet need is exacerbated by the prison setting. The pilot study had already identified digital and telephonic poverty and exclusion as a difficulty for many of the tax clinic clients. HMRC closed the last of its local Enquiry Centres in 2014, replacing these initially with telephone helplines. More recently HMRC has been moving to the

⁹ See Natalie Gray, Jennifer Ward and Jenny Fogarty, (2019) ‘Transformative learning through university and prison partnerships: reflections from ‘Learning Together’ Pedagogical Practice’. [Journal of Prison Education and Re-entry](#), 6 (1). pp. 7-24.

use of online services as the preferred medium for interaction with its customers. This poses particular problems for prisoners, who have limited and controlled access to telephones and very restricted and limited internet access. Whilst it is usually the case that prisoners are denied internet access, there may be occasions where prisoners are given limited access to selected websites via 'locked down' terminals and laptops. There is no automatic sharing of information between HM Prison and Probation Service (HMPPS) and HMRC, and thus HMRC do not know that another arm of Government holds the individual as a prisoner. For prisoners who are self-employed prior to their sentence, a custodial sentence can lead to the cessation of trading, but HMRC will continue to send demands for tax returns and payments to old addresses, unaware that the individual is incarcerated. The minimum penalty for being a year late with a tax return is £1,600 even if no tax is due. A shock can await a newly released prisoner, once HMRC have a new address to which to send demands which may stretch back years.

Penological research has highlighted many aspects of the challenges faced by prisoners on release.¹⁰ Prisons offer vocational training in a range of skills, but ex-prisoners often find that their criminal history is a barrier to employment. The challenges of finding employment are being exacerbated by the impacts of COVID-19, and governmental and public health responses to control the spread of the virus.

¹⁰ Eldon Maguire and Peter, Raynor, 'Preparing prisoners for release: current and recurrent challenges' in Pamela Ugwudike, Hannah Graham, Fergus McNeill, Peter Raynor, Faye S. Taxman, Chris Trotter (eds) *The Routledge Companion to Rehabilitative Work in Criminal Justice* (Routledge, 2020), pp. 520–532.

Although the precise impacts of COVID-19 and the first UK-wide lockdown are as yet unknown, and indeed there may be further local, regional and national lockdowns¹¹, it is clear that the UK is in a period of economic recession, and at the time of writing unemployment is rising and many businesses are either ceasing to trade, restructuring including staff redundancies, or ceasing recruitment to new posts. This makes accessing employment even more challenging for people leaving prison. With this in mind, self-employment may offer the only feasible route to non-criminal economic engagement, and indeed the vocational skills opportunities offered in men's prisons include a range of skills which would lend themselves to self-employment after release, such as skills as car mechanics, and in building and related trades. Indeed, the desire to become self-employed or set up a business after release was highlighted by the Forward Trust in August 2020, in response to data released in July that showed 88% of offenders released from custody between March and June who were available to work were unemployed.¹²

That said, even if the desire is there, ex-prisoners may not have the basic awareness or knowledge of relevant legal and taxation requirements to feel confident in going ahead to 'go it alone' or set up small businesses after release. Grosholz et al. highlight that the current literature indicates there is little research on the effect of entrepreneurial training on the behaviour and identity of those who have been

¹¹ This article was written before the second national lock-down in England in November 2020

¹² [Community Performance Quarterly release to March 2020, Ministry of Justice, July 2020](#). See www.forwardtrust.co.uk accessed 1 September 2020.

incarcerated.¹³ This project enables students to be involved in a project which could have real impact in an emerging field of entrepreneurship research, as well as on CLE research. More broadly, the research on desistance from offending, community reintegration and resettlement after release, stresses the significance of strong family and community relationships in preventing reoffending in the future. This project could have long term individual and societal benefits in helping convicted offenders move on from prison to become economically independent.

It is important to set out from the outset that although this in-prison clinic is being developed for delivery in a men's prison, in the future we would like to explore the needs of women prisoners in women's prisons. Research with women prisoners has demonstrated long-running concerns about employment after release, especially as women ex-prisoners have a high unemployment rate, and existing prison educational and vocational programmes often focus on skills which would translate well to self-employment and the creation of small businesses, as exemplified in the hair and beauty training salon at HMP Styal.¹⁴

¹³ [Jessica M. Grosholz](#), [Jean D. Kabongo](#), [Michael H. Morris](#), [Ashley Wichern](#) (2020) 'Entrepreneurship Education in the Transformation of Incarcerated Individuals: A Review of the Literature and Future Research Directions', *International Journal of Offender Therapy and Comparative Criminology* 64(15) pp. 1551-1570.

¹⁴ Prison Reform Trust & Working Chance (2020) *Improving Employment Opportunities for Women with Criminal Convictions*, London (Prison Reform Trust 2020).

CLE as Social Justice

From a more theoretical perspective, although CLE was being discussed in the 1930s¹⁵, the CLE movement began in earnest in post-1968 Europe and was grounded in social reform. At that time, basic legal services were available to just a few and revealed the major inequality of access to justice for the vast majority.¹⁶ The provision of free legal advice to those in need is one of the central themes of CLE, as one of the main ideological aims of CLE is the commitment to educating lawyers for social justice.¹⁷ Pro bono legal advice has been around in many guises for many years. A law clinic, in whatever format or guise, will introduce students to the local community. With CLE projects, students are placed in situations outside of their perceived comfort zone and are given the opportunity to interact and empathise with a diverse range of people from a diverse range of backgrounds.¹⁸

CLE is often associated with the provision of legal aid to the poor, marginalised and disadvantaged in society.¹⁹ However, in the purest form of the *pro bono clinic*, its

¹⁵ Jerome Frank 'Why not a Clinical Lawyer School? [1933] 81, University of Pennsylvania Law Review 907, 915

¹⁶ Jeff Giddings, Roger Burridge, Shelly AM Gavigan and Catherine F Klein, 'The First Wave of Modern Clinical Legal Education: The United States, Britain, Canada and Australia' in Frank S Bloch (ed), *The Global Clinical Movement: Educating Lawyers for Social Justice* (Oxford University Press, 2011), 3

¹⁷This is the central theme of Bloch in Frank S. Bloch (ed), *The Global Clinical Movement: Educating Lawyers for Social Justice* (Oxford University Press, 2011).

¹⁸ Lucy Blackburn, 'Ephebogogy and Clinical Legal Education', *Int'l J Clinical Legal Educ* (2020), 135-154, 152

¹⁹ Frank S. Bloch & Mary Anne Noone 'Legal Aid Origins of Clinical Legal Education' in Frank S Bloch (ed), *The Global Clinical Movement: Educating Lawyers for Social Justice* (Oxford University Press, 2011) 153

principal purpose is to deliver legal services to those who could not otherwise afford them, to right the wrongs that would otherwise go without redress. It may raise students' consciousness of inequality and injustice and provide the academic with the means of salvaging his conscience.²⁰ At the heart of any CLE programme, whether it be a credit bearing module or extracurricular volunteering, running alongside the deep learning experience, will be the promotion of access to justice. In the 1960's the anti-poverty and civil rights campaigns in the United States saw law clinics develop, helped by the backing of many charities.²¹ In the UK, many law clinics have helped to 'plug the gap' in legal services which resulted in the cuts to Legal Aid following the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO).²²

Globally, a number of projects are assisting the social justice/access to justice agenda within university law clinics.²³ These can range from Refugee Law Clinics in the Central European and Baltic States,²⁴ Women's law clinics in Nigeria,²⁵ to the

²⁰ Max Weaver, 'Clinical Legal Education – Competing Perspectives' (1983) 17 *Law Teacher* 1, 4

²¹ Hugh Brayne, Nigel Duncan & Richard Grimes, *Clinical Legal Education: Active Learning in your Law School* (Blackstone Press Limited) 1998, 11

²² There are fascinating arguments about whether law clinics should be addressing this gap in the legal services market, but these are not relevant to this brief report.

²³ 'Social justice through access to justice is aimed at educating the neglected members of a community whiles addressing their legal problems. Ibijoke Patricia Byron, 'Between Social Justice and Clinical Legal Education: A Case Study of the Women's Law Clinic, Faculty of Law, University of Ibadan, Nigeria', *Int'l J. Clinical Legal Educ* 20 at 567

²⁴ Stephan Anagnost, 'Promoting Refugee Law as a Means of Challenging the Status Quo at University Level Education in Europe: The Role of the Refugee Law Clinic' *Int'l J. Clinical Legal Educ*, [2014] 38

²⁵ Byron above

internationally renowned Innocence Project.²⁶ Examples in the UK include The Community Legal Outreach Collaboration Keele (CLOCK), which is an ‘innovative multi-agency initiative driven by legal academics, in collaboration with the legal profession, court and charitable sector’²⁷ and also the work with the Third Sector that has been conducted by the University of Cardiff law clinics.²⁸ Students who may have just left home for the first time are put into direct contact with issues that may never have affected their community.²⁹ Anagnost argues that CLE “encourages good humanitarian attitudes plus the combination of theory and practice”.³⁰

Even though she writes in the context of CLE in Nigeria, Byron’s writings on the link between social justice and legal education are relevant to domestic CLE. Within Byron’s writings she refers to Voyvodic and Medcalf and their assertion that when a social justice mission is established within a guided practice setting, the students are

²⁶ ‘The Innocence Project, founded in 1992 exonerates wrongly convicted persons through DNA testing and works to reform the criminal justice system to prevent future injustice.’ Whilst it is not wholly a clinical law programme, of the 56 US based organisations within the network 26 are located within Universities. www.innocenceproject.org

²⁷ For more information see Jane Krishnadas, ‘CLOCK ‘The Community Legal Companion; as an Agent of Change: A Transformative Methodology’’ in *Re-imagining Clinical Legal Education*. Linden Thomas, Steven Vaughan, Bharat Malkani and Theresa Lynch (eds) (Hart Publishing, 2018)

²⁸ See Jason Tucker, ‘Third- Sector- Funded Clinical Legal Education in the United Kingdom: A Reflection and Proposal for Future Partnerships’ in *Re-imagining Clinical Legal Education*. Linden Thomas, Steven Vaughan, Bharat Malkani and Theresa Lynch (eds) (Hart Publishing, 2018)

²⁹ Seear et al argue that CLE ‘ provides a unique opportunity for students to deeply engage with emotions, in part because emotions are experienced as a regular feature of clinics’: Kate Seear, Lisa Bliss, Paula Galowitz & Catherine F. Klein ‘ Exploring the role of emotions in clinical legal education: inquiry and results from an international workshop for legal educators’. *The Law Teacher*, 53: 4 [2019], 487-499, 489

³⁰ Stephan Anagnost, ‘Promoting Refugee Law as a Means of Challenging the Status Quo at University Level Education in Europe: The Role of the Refugee Law Clinic’, *Int’l J. Clinical Legal Educ*, 38 [2002] 41

provided with a “key linkage” between their legal education and also the long-term engagement with the advancement of social justice.³¹

There are therefore strong social justice arguments for CLE projects to engage with prisons and prisoners. In England & Wales the prison population is the highest in Europe, and, as in many countries, particularly the US, there has been a shift over the last two decades towards increasing use of imprisonment and the imposition of longer sentences than previously, which exceed sentences for comparable offences in many other jurisdictions. At the moment, the biggest prison-building programme in England and Wales since the 19th century is underway, and this inexorable ‘prison boom’ shows no signs of abating despite governmental stated aspirations to limit the use of short prison sentences. That said, prisons and prisoners are often invisible in our society and among our students unless and until imprisonment is experienced within their own family, kin and friendship groups, or until they encounter prison issues as part of penology and criminal justice modules.³² Some students, of course, are former prisoners themselves, or have long experience of imprisonment affecting family members, but for many this kind of clinic activity would offer them their first opportunity to work within a closed setting, and could challenge their pre-existing views of prisons, prisoners and ex-prisoners. A growing body of work acknowledges

³¹ Byron, p.564

³² Helen Codd, *In the Shadow of Prison: Families, Imprisonment and Criminal Justice*, (Willan, 2008).

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the importance of empathy in ethical leadership and recognises the importance of presenting students with opportunities to see life through the eyes of others.

Developing the Business Law and Tax Clinic during the pandemic

Even without the COVID pandemic, setting up an in-prison clinic for students poses a wide and varied range of challenges. Prisons vary widely not only in their security categorisations, but also in terms of management attitudes to interaction with students, and also the constraints of staffing available to oversee such interactions and ensure safety and security for all involved. UCLAN is exceptionally well-situated for prison work. In addition the prisons in the North West range from HMP Kirkham and HMP Thorn Cross (which are Category D Open prisons) to busy and overcrowded city-centre local prisons (HMP Preston and HMP Manchester) and prisons for those serving longer sentences including HMP Garth and HMP Wymott, which are on adjoining sites. This is helpful in terms of taking the project forward, because although some of these prisons are in semi-rural areas, they are all relatively accessible in comparison with prisons in other parts of the UK, such as HMP Haverigg in Cumbria and HMP Dartmoor. This project also benefits from existing working relationships between staff on the team and prisons, and informal discussions indicated that the initiative would be likely to be welcomed by a number of prisons, so approval in principle was not regarded as problematic.

The Impact of the Pandemic

However, particular questions and issues have arisen in the context of the impact of COVID-19 on prison regimes, including access and visits, which were halted as a consequence of the lockdown and are now very limited³³. COVID-focused scrutiny inspections of establishments, the reports of which are published by HM Inspectorate of Prisons, highlight very limited and restricted opportunities for contact not only between prisoners but also between prisoners and their friends, families and outside organisations. It is also important to recognise that immediately prior to the development of the pandemic in the UK early in 2020, there were emerging limitations on face-to-face contact between university students and prisoners, following a review of such contacts which followed the terror attack at a Learning Together event at Fishmonger's Hall in November 2019. As in many aspects of university activities, the obvious response would be to deliver a fully online programme for all participants. The precise nuances of this mode of operation are heavily regulated, however, by restricted prison internet access and security rules, combined with prison IT infrastructural issues. Discussions are underway with the staff of the social enterprise, which already has staff based in prisons, and thus even if students are not approved for face-to-face contact with prisoners via the internet, with appropriate clearance

³³ Kay, Chris (2020): Covid-19 in custody: Responding to pandemics in prisons in England and Wales. *British Journal of Community Justice*, <https://hdl.handle.net/2134/12624596.v1> accessed 14 September 2020.

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students may be able to assist in providing advice via the social enterprise staff as intermediaries.

Practical Challenges

In advance of launching the clinic, students within the Business School have been tasked with addressing the challenges that both the COVID-19 restrictions and the general digital restrictions have posed for the social enterprise and the prisoners and ex-prisoners that they work with. For Level 5 coursework they are currently exploring, for example:

- how to translate online materials into paper formats – where there is no option to click through a link for further information;
- how to use language and images that are most effective at communicating to those without strong literacy and numeracy skills;
- ways either to work with HMRC's online systems or to challenge the authorities to change them.

It was planned initially that the clinic would operate in pilot form from January to May 2021, although this has been delayed due to the pandemic. A virtual clinic model has been devised which will depend on close collaboration between the social enterprise organisation working in the prison and student volunteers. The Business Law Clinic had to move swiftly to virtual meetings in March 2020 and thus provided

an inadvertent pilot for some aspects of the prison-centred advice clinic. The social enterprise will identify business start-up project work for their clients which will be completed by small interdisciplinary student teams. Students will be supported by academics across the Business School, School of Justice and Criminal Justice Partnership. Thus, even if the face-to-face client experience may be missing for some time yet, there are still many opportunities to give students the chance to work on real life problems and to begin thinking in a client-focussed way. This model also gives the students the opportunity to work with the not-for-profit sector, something that is different to the usual commercial opportunities that students are offered. The project will allow the learner to explore unfamiliar settings and interactions. From a user point of view, the multidisciplinary approach, including law-focused, taxation-focused and business-focused students means that the offering is an enhanced, multi-perspective and holistic wraparound programme which offers more joined-up support to people wanting to establish their own businesses after release than a single-disciplinary project could provide. It is envisaged that the clinic will continue to offer 'through the gate' support after release as well as pre-release, so as to enable new entrepreneurs and business owners to develop the appropriate skills, awareness, experience and knowledge to make a success of their business after release.

Online technology, including websites and apps, is attractive for the delivery of clinic programmes generally for a number of reasons, including convenience. That said, internet access in prisons has historically been very limited, as has (legal) possession

of mobile phones. There has been a scheme enabling family members to send emails to prisoners for some years, but this would only be useful in limited aspects of providing advice, such as in relation to sending documents. Similarly, prisoners themselves may need support in accessing and using online technologies, as especially if they have served long sentences, they may not have any relevant skills in using mobile or IT technologies. In many ways, it would seem easier to run an in-prison clinic face-to-face rather than try to negotiate the manifold challenges of enabling prisoners to access the internet, although broadening prisoners' internet access is a matter of ongoing policy debate. However, the pandemic prompted attempts at radical change in many establishments, including the distribution of 'locked down' mobile phones to prisoners, allowing access only to certain approved telephone numbers, and the introduction of internet-based Purple Visits for family contact.

The Purple Visits secure video calling platform offers what their provider refers to on their website as "a feature-rich video calling solution specially designed for use within secure establishments"³⁴ The platform offers military-grade encryption and claims to offer a reliable, simple-to-use and cost-effective means of allowing prisoners and their families to remain in contact. As a consequence of the pandemic, most prisons in the UK have introduced Purple Visits, which are available to prisoners aged 18+, and offer a 30-minute visit once a month. The exact process for setting up the visit varies from prison to prison, some allowing a choice of pre-booked visit times.

³⁴ See www.purplevisits.com

The experience of introducing this platform for visits has prompted mixed reactions. Many prisons are viewing the process as a positive development, especially in facilitating contact between prisoners and family members who would not be able to travel to the prison for a face-to-face visit in non-pandemic times. However, emerging anecdotal evidence reveals that the experiences of users themselves to date have been more mixed.³⁵ These video calls rely on those outside the prison having access to hardware on which they can install the app, and also the ability, skills and capacity to use it. The early months of usage have seen ongoing technical problems, including calls disconnecting and cutting out frequently, much to the frustration of the prisoners and family members themselves.

This platform could, in theory, offer a viable way forward for offering clinic appointments, subject to improvements in the infrastructure and the approval of prison management. However, a key issue with Purple Visits is one of cost. While these 'visits' are being offered free of charge at present as an alternative to face-to-face visits which may not be permitted during the pandemic, HMPPS was already exploring the potential for video-calling prior to 2020, when there were discussions around a proposed charge for such 'visits' of £8-10 per session. When we discuss clinical education clinics, these are relatively low-cost, as students are volunteers and whilst there may be transport and consumables costs, these are not likely to be high.

³⁵ Personal communications, 'Lessons from the Lockdown' online seminar, University of South Wales, 17th September 2020. Recording is available at <https://criminology.research.southwales.ac.uk/news/2020/video-lessons-lockdown-prisoner-and-family-connections-future/>

However, Purple Visits as a means of delivering the clinic programme will need to be funded, and prisoners and their families may not have the financial resources to support this. Going forward, we are exploring the potential for professional sponsorship of these sessions, perhaps via partnerships with local firms and businesses, and also looking for funding from several sources, including those offering financial support for ex-prisoners and those leaving custody. The costs may not be high in relative terms, but as Purple Visits are not free of charge, if we seek to run the prison clinic via this platform then even if this is feasible, the calls will need to be funded. A related issue is one of oversight and staffing within the prison. For example, prisons have experienced unprecedented cuts in staffing numbers in recent years, and in many institutions, this lack of staff has led to lower levels of access to educational and recreational opportunities as there are no staff available to supervise prisoners' movement. Ironically, the COVID situation means that over the next months and year, as the consequences of both the COVID epidemic and BREXIT emerge, more and more prisoners and ex-prisoners may need tax and business advice, but the combination of pre-COVID funding cuts and the challenges of coping with COVID itself in a closed setting may mean that prison management and staff have to put all their energy and resources into the core business of keeping prisons and prisoners safe and well, with little flexibility as to the introduction of new programmes. That said, one of the advantages of this programme, if we are able to negotiate a platform and process for delivering it in-prison, is that it will offer students

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opportunities to gain clinical experience at a time when face-to-face working in many situations is impossible, especially in areas experiencing high numbers of virus cases.

Conclusion

At the time of writing the clinic is very much 'work in progress', subject to unpredictable changes in government guidance, changes in prison management, priorities and regimes, and also subject to changes in decision making at the university institutional level. The rationale for going forward and delivering a clinic remains clear, and there are clear potential positive impacts for students, prisoners and ex-prisoners. The precise shape, structure and delivery method is still undergoing development. Evidence-based evaluation of the impacts and outcomes of the programme will be integral to the design and delivery, and thus in due course we look forward to being able to look back and reflect on the final project. The need is still there, and our commitment is still there, but if COVID-19 has taught us all only one lesson, it is that change is constant and that, in clinical education like many things, a flexible and change-responsive approach is essential.

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CLINICAL LEGAL EDUCATION: A VIRTUAL MODE OF ACCESS TO JUSTICE

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Abstract

Legal education, all over the world uses a mix of practical and theoretical means to train students. For purposes of practical training, specialized legal clinics are established by legal education institutions to train the students to apply the classroom learnt law in live cases. These legal clinics serve dual purposes, first, of training students in the practical aspects of the law and second, providing access to justice to people in areas where it is difficult to get legal help and where reaching institutions of justice delivery is difficult. The pandemic situation prevailing world over now has had deep impacts in imparting legal education. The physical classrooms have turned into virtual classrooms, delivering only theoretical education and leaving doubts in the mind of students due to lack of practical training resulting from non-functioning of legal aid clinics in this situation. In order to ensure access to justice in India during the time of pandemic, the judiciary has taken recourse of virtual courts, whereby the

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listing and hearing of cases which require urgent hearing are done online. The same methodology has also been adopted by the National Legal Aid Service Authority by conducting virtual Lok Adalats where cases are entrusted to them². By studying the same mode of virtual courts and virtual Lok Adalats, the present paper aims to devise a working model to ensure that clinical legal education is continued in India during these times of pandemic, and that legal aid clinics work efficiently to ensure that people are not deprived of their right to legal assistance. The working model proposes a collaboration between the legal aid clinics of the universities and colleges and the justice delivery institutions to ensure dual purpose of legal aid clinics is met. The model will also be tested in the institution, and a pan India plan of action for implementing this model would be devised.

Introduction

Legal education is incomplete without practical training. Clinical legal education is a method of 'learning by doing' where students are trained in the practical skills of how the law works in action. In the words of Prof. N.R. Madhava Menon, the pioneer of legal education in India, clinical legal education is

"A learning environment where students identify, research and apply knowledge in a setting which replicates, at least in part, the world where it is practiced. It almost

² Lok Adalats are a form of alternative dispute resolution see <https://nalsa.gov.in/lok-adalat>

inevitably means that the student takes on some aspect of a case and conducts this as it would be conducted in the real world.”³

This clinical legal education serves the dual purpose of imparting practical skills to students and ensures access to justice to the deprived and distressed sections of society. Clinical legal education in India has been made a mandatory part of law course curriculum and most law schools take it up in the form of legal aid clinics/cells which function in their universities/ law colleges. They aim to provide a public service and access to justice to those who are unable to approach the justice delivery institutions in the country. However, the COVID-19 pandemic has created unique challenges to legal education and to access to justice. With universities and colleges being shut down due to the pandemic, teaching has shifted online through virtual means. This has ensured that imparting theoretical knowledge is not hampered, however, it has posed serious obstacles in imparting practical training with most legal aid clinics/cells in universities/colleges being shut down. Similarly, courts of law in response to the pandemic suspended their physical functioning and hence this has caused a hurdle in access to justice to public at large. The Indian judiciary responded quickly and embraced technology by adopting virtual means to hear cases to ensure that the functioning of the courts is not impeded. The Lok Adalats in India which are intended to ensure legal aid to large numbers of people has also adopted virtual means to settle disputes. Hence, there becomes a pressing need that the legal aid clinics/cells

³ N.R. Madhava Menon, *Clinical Legal Education*, Eastern Book Company, 1998

in India adopt virtual modes of functioning to ensure that the pandemic does not obstruct their functioning

The issue of practical training which is curtailed during this period can be resolved if we try to use technology, that had aided the government and judiciary, to continue to reach the needy. The present paper is looking to propose a working model for ensuring that these legal aid clinics/cells use technology platforms to function during the pandemic and continue even after the situation is overcome. The first part of the paper briefly discusses clinical legal education in India. It then moves on to discuss Lok Adalats and the e-Lok Adalats which were conducted in India during the pandemic and their success. The next part of the paper discusses various successful legal aid initiatives undertaken by students from various law schools prior to and during the pandemic times. Finally we move on to discuss the working model for functioning of legal aid clinics virtually.

Clinical Legal Education in India

The Indian Constitution, provides that the citizens should be provided social, economic and political justice.⁴ The Indian Constitution also guarantees legal aid to citizens in case of violation of their rights.⁵ Despite strong basis for legal aid in the

⁴ Preamble to the Constitution of India

⁵ Article 39A, Constitution of India

Constitution, the concept of legal aid and clinical legal education emerged relatively late in India. In 1949, the Bombay Legal Education Committee for the first time recommended that practical courses should be made compulsory for those students who wish to enter the legal profession.⁶ This was the starting of CLE in India. Various committees and commissions have been set up in India to ensure that legal aid reached the needy and deprived section of the society.

The Government of India legislated the Legal Service Authority Act, 1987 in order to ensure free legal aid to citizens who cannot afford it. The Act has established legal service authorities at three levels – National, State and District level which are responsible for providing free legal aid and ensuring that the needy sections of the society get legal representation. However, it was understood that given the large population of India, the number of people who are eligible for free legal aid is huge and the instrumentalities of the state are not enough to support free legal aid programs for all. Hence, various committees were set up which suggested that including law schools in legal aid programs would serve dual purposes, first to train students and develop their skills, which are necessary for practically implementing what they have learnt in theory in law schools, and second to ensure that access to justice is ensured for all.⁷ The committees also identified seven components of legal aid which include

⁶ Frank S. Bloch & Iqbal S. Ishaq, *Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United States*, 12 MICH. J. INT'L L. 92 (1990).

⁷ Government Of India, Ministry of Law, Justice And Company Affairs, Department Of Legal Affairs, *Report of Expert Committee On Legal Aid : Processual Justice To The People* (1973). Government of India, Ministry of Law, Justice and Company Affairs, Department of Legal Affairs, *Report on National*

legal representation, advice, awareness, paralegal services, public interest litigation, promotion of alternative dispute resolution and legal reforms. All the aforesaid components of legal aid can be achieved by means of legal clinics in law schools except for the first one.⁸

On the basis of reports of various committees, Bar Council of India, which regulates legal education in India, used its authority given to it under the Advocates Act 1961 and issued an order making it compulsory for all law universities and colleges to include four practical papers in their course curriculum. The first practical paper includes moot courts, second relates to drafting, pleading and convincing, third deals with professional ethics and the fourth paper is concerned with training students in legal aid. This resulted in CLE becoming an integral part of law school training where it became mandatory for the final year students to undertake legal aid programs and services in order to get practical training and develop lawyering skills. Universities and colleges across India have adopted diverse means to implement the practical paper on legal aid in their institutes. Some have joined up with Non-Governmental organisations in order to assist them in legal aid and advising them, some of them adopted certain local areas in order to provide legal aid to the residents of those areas, the most common method adopted by the universities and colleges was to set up legal aid cells in order to meet the object of practical training. These legal aid cells serve

Juridicare: Equal Justice – Social Justice (1977). Report of Committee for Implementing Legal Aid Schemes (CILAS) 1981

⁸ Since Law students in India are not allowed to practice before the completion of their degree.

diverse needs of ensuring spreading awareness, imparting legal advice, and ensuring the underserved section of the society is given legal representation. These legal aid cells also establish legal clinics to carry on their activities and tie up with lawyers to act on pro bono basis in order to represent the weaker section of the society.

Lok Adalats and the functioning and success of e-Lok Adalat

The Lok Adalats are set up under the Legal Service Authorities Act, 1987. The Act aims to constitute legal service authorities in order to provide competent and free legal services to the economically deprived and distressed sections of the society and to organise Lok Adalats to ensure that access to justice on equal basis is ensured to all. Lok Adalat is a forum where cases which are pending in the court of law or are at a pre-litigation stage are compromised/settled amicably. Lok Adalats were established in order to ensure speedy disposal of cases where settlement is possible. Cases which are referred to the Lok Adalat are of civil nature, matrimonial cases, Motor Accidents Claims and petty offences. The essence of Lok Adalat proceedings is that the parties should be willing to amicably settle the disputes between them.

The COVID-19 pandemic had resulted in suspension of regular functioning of Lok Adalats in various states. This resulted in serious hardships to persons whose cases were referred to the Lok Adalats. In order to cope up with the pandemic the Legal Service Authorities of various states adopted virtual means to conduct Lok Adalats. Hon'ble Justice N.V. Ramana, Judge, Supreme Court of India and Executive

Chairperson of the National Legal Services Authority, while talking about e-Lok Adalats said “We [the judiciary] always thought of making use of technological services like video conferences, e-courts, etc. to enable marginalised people to access justice. Now, finally it has been put into action.”⁹

In order to conduct e-Lok Adalat, states adopted different platforms such as videoconferencing, website or mobile applications developed specifically to conduct e-Lok Adalats to connect the judges, lawyers, authorities and litigants. The first step in each case involved identification of cases which can be settled or decided in Lok Adalats. Post identification, the parties involved were contacted and asked whether they wanted their case to be decided in Lok Adalat. On the basis of this, the number of cases is identified, and necessary benches are constituted to deal with the cases by means of videoconferencing or other digital platforms. The Secretary of District Legal Service Authority has to ensure that the litigants who consent to their matters being taken up for virtual Lok Adalats, fill in a form for referring the dispute to Lok Adalats. Once the benches are constituted, links are created for each case and the information is uploaded on the websites of District Court. WhatsApp groups are created by the District Courts for the parties and advocates to give them information and communicate smoothly regarding the cases. On the date and time designated for the case to be heard, the parties and judge joins the link. The parties are heard, and the

⁹ Concept of e-Lok Adalat has potential to transform legal landscape: SC judge, September 19, 2020 <https://www.thehindu.com/news/national/karnataka/concept-of-e-lok-adalat-has-potential-to-transform-legal-landscape-sc-judge/article32650701.ece>

matter is decided. The award of the Lok Adalat is uploaded on the district court website which can be accessed by the litigants and lawyers.¹⁰ E-Lok Adalats have been a huge success in various states and states have settled thousands of cases on a single day in e-Lok Adalats. The following is the data on cases settled in one day in various states by means of e-Lok Adalat:¹¹

Serial No.	State - e-Lok Adalat was held	Number of cases settled
1.	Delhi	5838
2.	Jharkhand	3,308
3.	Karnataka	1,50,000
4.	Chhattisgarh	2270
5.	Tamil Nadu	70,000
6.	Andhra Pradesh	1,222
7.	Haryana	104
8.	Uttarakhand	1,787
9.	Gujarat	10,954
10.	Punjab	19,432
11.	Rajasthan	33476
12.	Jammu and Kashmir	4237
	Total	202629

Student Initiative legal Aid programs – COVID -19

¹⁰ SOP for conducting India's First State Level E-Lok Adalat or VC Lok Adalat in Chhattisgarh

¹¹ The data has been taken from the website of District Legal Service Authorities of the respective states.

University and college students across India have taken initiatives to assist the needy and deprived sections of the society to make them aware of their rights and to ensure that justice is done. In a few such cases, students from various National Law Universities from different parts of India have come together to assist people to get their rights enforced. A few of such initiatives for legal aid by students at a pan India level are:

- **Mazdoor Mitra:** COVID – 19 forced nations to call for a nation-wide lockdown in the initial stages as a measure to control the virus from spreading. During these difficult times of lockdown, the most severely hit were the daily wage earners and migrant labourers who left their homes and travelled kilometres to find employment. They were left stranded and were unable to contact their state governments to transport them back to their respective states. The students from National Law Institute University, Bhopal joined hands to assist the migrant labours to procure food, arrange night shelters and provided them with e-passes and means of transport to return home. It is an entirely student-led program. Since all educational institutes were also closed during the lockdown period, the students communicated with each other and kept in constant touch through videoconferencing and Whatsapp. They coordinated with various state authorities and NGOs to provide assistance to migrant labourers. The Mazdoormitra website was set up within 24 hours which had contact details of various COVID-19 helpline numbers for states as well as

labour welfare agencies. The students were available 24/7 through their website and through the contact details furnished on the Mazdoormitra website. Within a month they had solved more than 200 inquiries from migrant labourers from across India, and, were able to connect people during this emergency situation.¹²

- **Initiative by students from Gandhinagar National Law University, Gandhinagar:** Students and alumni of Gandhinagar National Law University, Gandhinagar (GNLU) came together during the nation-wide lockdown enforced due to COVID -19 to assist the migrant workers to return home. They worked with Zenith Legal Aid Clinic in Madhya Pradesh in order to provide aid to migrant workers with respect to food, shelter and conveyance in order to travel back to their hometown. The team also worked in collaboration with governmental and non-governmental agencies to assist the migrant workers. They provided information to migrant workers regarding trains scheduled for them to travel back home, assisted the labourers to register themselves for trains scheduled for them, assisted the labourer to reach home from the railway station, and tracked the location of migrant labourers on their way back to their homes. They also assisted the governmental authorities and NGOs to connect to labours to provide them with food and shelter facilities. In their first phase

¹² Student-led NLIU project assist over 200 migrant labourers with practical advice, help on dealing with lockdown, Wednesday, 20 May 2020 <https://www.legallyindia.com/lawschools/student-led-nliu-project-assist-over-200-migrant-labourers-with-practical-advice-help-on-dealing-with-lockdown-20200520-11429>

i.e. from May 14, 2020 to May 21, 2020 they assisted a total of 6000 workers from Madhya Pradesh who were stranded in Maharashtra. The team has also assisted workers who were being abused by their employers and being forced to work extra hours when they wanted to leave for their hometowns. The team contacted the officials and administration in the area and the workers were given police protection and sent back home.¹³

Technology Assisted Legal Aid Programme

The initiative by the students of Dharmashastra National Law University, Jabalpur, (DNLU, Jabalpur) the instances stated above in the form of Mazdoormitra, initiative by students from Gujarat National Law University, Gandhinagar as well as the huge success of the e-Lok Adalats in various states forms the basis of our current model for setting up online legal aid clinics connecting law schools pan India.

The present paper proposes a model for setting up collaborative legal aid clinic among law schools pan India which would help to ensure dual purpose of legal aid clinics. The project would be implemented in phases where at the first phase it would be initiated in our University, i.e. DNLU, Jabalpur and would then be based on collaboration of 22 National Law Universities (NLUs) established in different parts of

¹³ Success stories of assisting migrant Labour, GNLU Centre for Law and Society, 2020
<http://www.documentcloud.org/documents/6922849-GNLU-Centre-for-Law-and-Society-GCLS-success.html>

the country. Post this phase, such NLUs would then collaborate with the law schools in their region to connect the legal aid clinics pan India.

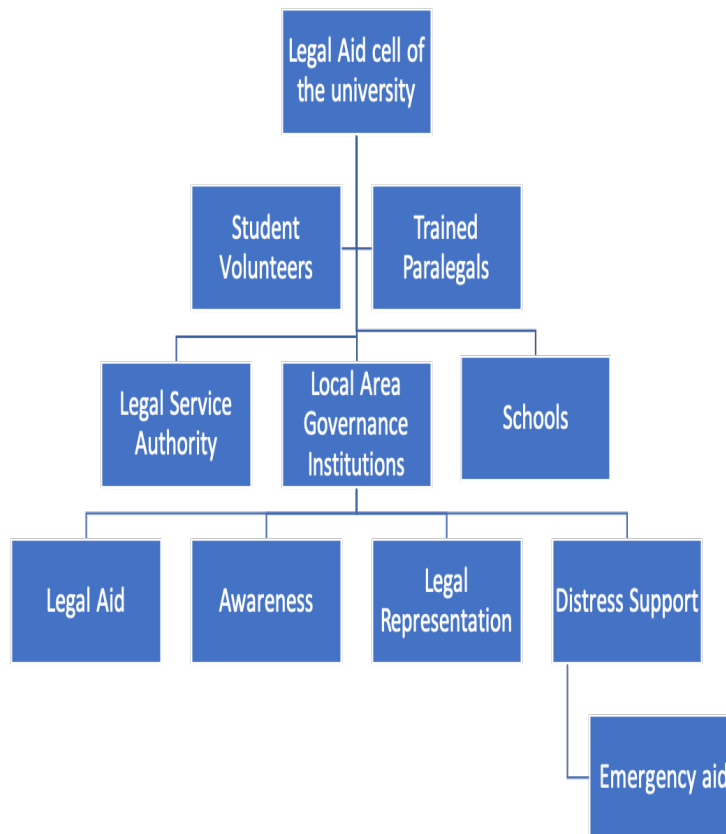


Figure 1 – Parties involved in the functioning of online legal aid clinic

Parties involved:

- **Legal Aid cell of the University:** The Legal Aid Cell of the University would act as a nodal centre through which all the legal aid activities would be carried out.
- **Legal Service Authority:** The Legal Service Authority would be contacted to provide requisite support for providing assistance in connecting people virtually.

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- Student Volunteers : Student volunteers would be responsible for running the legal aid clinic for purposes of providing advice; assisting pro bono lawyers to draft the petitions; maintaining the website and web portal for receiving complaints and requests for legal advice; and undertaking all activities at the University Level to run the legal clinics.
- Trained Paralegals – they would undertake advisory work, running of kiosks and assist the students where they need additional support.
- Local area governance institutions: such as gram panchayats and gram nayalaya to help people in distress connect with the legal clinics virtually
- Schools: Legal awareness camps would be set up in schools so as to make students aware of their rights and duties



Figure 2: Stages of implementation of the model

STAGE I

DNLU, has an active legal aid cell which provides legal aid and advice to citizens in need. The students have been visiting villages to understand the legal issues which people face and to provide advice. Hence, this legal aid cell would act as the nodal centre for implementing the project and establishing legal clinics in their University. As per the legal education regulations of Bar Council of India (BCI) rules, there should be a faculty member who would head the legal aid program in the University, and hence an experienced professor would be designated as the head of the cell who would be responsible for ensuring that the legal clinic functions in a proper manner. BCI mandates training students in legal aid as a compulsory subject for law students, and hence, each year there would be about 100 final year students who would have to take clinical legal education as a mandatory subject and they would be the volunteers in the legal clinics. Apart from the student volunteers, alumni of the University, on a pro bono basis, will be the advisors and lawyers for representing the clients based on advice given to them in the clinics. The volunteers can assist the lawyers in preparing case briefs and representations in cases assigned to them. The legal aid clinic would also recruit certain paralegals to assist them in the activities of the clinic.

STAGE II

The legal aid clinic would adopt a village nearby to start implementing the project. A website would be created which would give details of the clinics. Helpline numbers

would be circulated by way of information pamphlets in areas where the legal aid clinic aims are to start implementing the project so as to make the people aware of the existence of centres where people can access legal help. Apart from the website and helpline numbers, the clinic would have a kiosk which will function once a week in each area where legal aid is to be provided. The kiosk would be managed by trained paralegals and student volunteers working with the clinic so as to ensure that those who are unaware of technology and cannot access websites or helpline numbers are helped at regular intervals. The helpline numbers would also increase take up of those in emergency situations such as domestic abuse where the complainant seeks urgent help. The National Legal Service Authority is entrusted with the task of promotion of clinical legal education and the provision of guidance and supervision for the establishment and working of legal aid clinics in universities and law colleges. Hence, the legal aid clinic at DNLU, Jabalpur can connect with the State Legal Service Authority in order to make the legal aid clinics function virtually. The virtual facilities available with the State Legal Service Authority can be used to provide legal aid to those in distress.

To provide legal aid, the cell at DNLU would establish a portal on its website where the people who require assistance call fill in the requisite details with respect to their case and such details necessary for the students to assist and provide counselling to these persons. The student volunteers would be divided into groups which would specialise in one particular law. The matters as received on the portal would then be

segregated and assigned to the respective groups. These groups would understand the matter, take assistance from the panel of pro-bono lawyers and ensure that they are well versed with the case at hand. They would then contact their client either through telephonic calls or through videoconferencing in cases where it is necessary. To this end the legal service authorities at the state, district and village level can provide support by creating a setup where such persons who do not have means to connect through video conferencing can come and use the facility to have meetings with the volunteers at the legal aid clinics. These volunteers after meeting with the clients with respect to their cases, will be assigned lawyers who agree to work on pro-bono basis and represent these cases in the court of law. Here the task of the volunteer would be to assist the lawyer in drafting the case and act as an intermediary between the lawyer and the person represented to ensure that there is complete exchange of information. WhatsApp groups can also be created by students so that they connect large number of people together and it is easier to communicate.

STAGE III

After the initial stage of implementation and working, these legal aid clinics would then contact the district or taluka legal service authorities in their states to refer cases which are fit for settlement through Lok Adalats and ensure that the decisions of the Lok Adalats are implemented. Coordination and collaboration with the Legal Service Authorities would also help these clinics to refer cases which include more complex

issues to be dealt by panel of lawyers and mediators, empanelled with the Legal Service Authorities and they can help people who require legal aid by representing them.

STAGE IV

At the next stage, the legal aid clinic would contact the Gram Panchayats (Village Council) and Gram Nayalays (Village Courts) in each village where the legal aid clinic aims to provide legal aid. Gram Panchayats and Gram Nayalays can through their administration provide ways to connect the people to the legal aid clinics via online modes and hence ensure that the people in need are connected to the legal aid clinics in their respective areas. Further, collaborating with gram panchayats can help in spreading awareness among the villagers regarding legal rights and duties, and various welfare schemes which are available and implemented by the government for them. A major challenge in the rural areas in India is that the rural population is unaware of their legal rights and welfare schemes conducted for their benefit. Hence more than providing legal aid, legal awareness among rural people is an important aspect which needs to be taken care of. The student volunteers and the paralegals can take up these activities by contacting the gram panchayats and organising screening of documentaries on legal rights or organising videoconferencing of the legal aid clinic with the villagers to solve their queries and to give them information about laws. Similarly, the legal aid clinics can also organise online legal awareness camps in

schools by means of videoconferencing to spread awareness among students about their legal rights.

STAGE V

Once the project is successful at DNLU, Jabalpur it can then be adopted by the 22 National Law Universities (NLU) established in each state in India. The NLUs are connected with each other through a consortium which is called Common Law Admission Test (CLAT) Consortium and is responsible for admissions into the NLUS. The CLAT Consortium can act as the central body to regulate the collaborated legal aid activities in the NLUs. Most of these NLUs have active legal aid cells which can act as nodal centres for the implementation of the project in each university. A common portal for all the NLUs can be created where aggrieved persons can submit their legal disputes. The NLUs can within themselves specialise in certain subjects and the cases received on the portal can then be divided among the clinics based on the specialisation. The student volunteers in these clinics can take up the matters at a pan India level using virtual means to connect. This method can also be used to spread awareness among people of their rights and the laws in general. Each legal aid clinic can take up certain areas of laws and impart awareness through videos and online means. The legal aid clinics in each state would be entrusted with the task to ensure that such videos reach the local level and persons are made aware of the same. The

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legal aid clinics can also take up online sessions for students in collaboration with schools to spread awareness among the children of their legal rights and duties.

Conclusion

Practical learning adds more skills of advocacy for the young, budding lawyers, and will also help them to understand the needs of society at large. Acquiring such knowledge and understating of the socio-economic needs of disadvantaged people, will help the students to learn the implementation process of a legislation and lacunas in it. This will also help the students to be active in public policy formation and implementation. This experiment will be a functional experience for not only the students but for the teachers too. The use of technology in the justice delivery system has already proved successful in the court system in India and is functioning effectively. This led to the idea of the use of technology in legal aid model. The huge success of e-Lok Adalats and that of the student initiatives during times of COVID-19 pandemic in providing legal aid has proved that providing legal aid through online means is possible and very well received by people who do not have much knowledge about it as well. By providing mechanisms for legal aid clinics to function online, the dual purpose of legal aid clinics i.e. to impart practical training and to ensure access to justice can be achieved. Once this model starts functioning, it will ensure that legal aid is always made available to the needy persons and that the collaboration between various NLUs ensures that legal aid achieves its real purpose of providing social

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justice. This will allow us to reach the length and breadth of this vast country where access is difficult, but justice needs to be provided. It is the mandate of the State to provide Justice, to all and it's a basic human right.

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CLASSROOM TO CYBERSPACE: PRESERVING STREET LAW'S INTERACTIVE AND STUDENT-CENTERED FOCUS DURING DISTANCE LEARNING

*Amy L Wallace*¹

I. Introduction

Street Law is a legal education methodology designed to increase civic engagement, further advocacy and analytical skills, and develop practical legal knowledge in non-lawyers. Using interactive and student-centered teaching strategies, these programs have been proven to be an effective method to teach critical thinking skills in high school students.²

When Street Law was founded at Georgetown University Law Center in 1972, the law students wanted the lessons to be relevant and relatable for their high school students, and, in a pioneering effort they also wanted the lessons to be responsive, engaging, and fun.³ Georgetown's Emeritus Street Law Professor Richard Roe explains:

1 Amy L. Wallace is an adjunct professor of law at New York Law School. Wallace founded and teaches the Street Law experiential course at NYLS. She is a graduate of the University of Toronto (B.A. in Political Science), Georgetown University Law Center (J.D.), and Lehman College (M. Ed. – New York City Teaching Fellows Program). She consults for Street Law, Inc., a non-profit focused on law-related education based outside of Washington, D.C. At Street Law, Inc. she helped design the CHSLSJ Summer Law Program and continues to serve as the Legal Director of that program. She also supports all new law-school-based Street Law programs in the United States.

2 Sean Arthurs, *Street Law: Creating Tomorrow's Citizens Today*, 19 (4) *Lewis & Clark L. Rev.* 925, 961 (2015).

3 Lee Arbetman, *Street Law, Inc.: Context, History and Future*, 2(1) *Int'l J. of Pub. Legal Educ.* 3 (2018).

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The hallmark Street Law methodology of highly participatory, interactive, and engaging activity-based instruction, where the learning is accomplished largely through the cognitive, expressive, and reflective work of the learners themselves in substantively rich, thoughtfully structured lessons, draws from both the hands-on model of clinical legal education as well as the best practices for effective teaching and learning generally.⁴

The three basic components of a successful Street Law program are practical content, interactive skills-based teaching strategies, and community involvement. The subject matter covered in Street Law programs around the world differs dramatically. That the topics are important and relevant to the students is key. From the start Street Law lessons have been student-centered. A common catchphrase for Street Law instructors is “talk less, teach more” meaning the high school students should be the ones talking, debating, advocating, arguing, negotiating, and crafting solutions.

When schools around the world switched to remote learning, Street Law programs struggled to re-imagine their interactive curriculum in a virtual setting. Decades of practical, in-person Street Law pedagogy was instantly upended. Professors and law student leaders wanted to continue to deliver legal instruction to non-lawyers but Street Law practitioners knew that it was not just what was being taught but how. This paper and subsequent research is designed to investigate whether it is possible to preserve the engaging Street Law methodology in a remote learning environment.

⁴ Richard Roe, Law School-High School, in *The Education Pipeline to the Professions, Programs That Work to Increase Diversity* 136 (Sarah E. Redfield ed., 2012).

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This paper includes: a background on the New York Law School (NYLS) Street Law program and the relationship with its partner high school, The Charter High School for Law and Social Justice (CHSLSJ); a description of the NYLS Street Law experience during emergency remote teaching in spring and summer 2020; a discussion of best practices developed through remote teaching; analysis of the implementation of those best practices in fall 2020; and conclusions and plans for further study.

II. Background

The NYLS Street Law program was established in the fall 2017. The program is modelled after the original Georgetown University Law Center clinic. The course is faculty taught and offered for credit in both the fall and spring semesters. Between eight and ten law students participate in Street Law at NYLS each semester. The law students attend seminars twice per week for three weeks before they start teaching. Once they start at their teaching site, the law students attend seminars each Tuesday where they review the substantive legal topic being addressed that week. The law students then work in pairs to prepare a lesson on Wednesday. We meet each Thursday to review the lesson and prepare the law students to teach on Friday.

The law students team-teach four or five classes at CHSLSJ located in the Bronx, New York. The high school was founded by an education law professor at NYLS and the

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schools continue to have a strong partnership.⁵ The law students typically teach criminal law in the fall semester, and criminal procedure in the spring. Each semester concludes with a final project – a mock trial in the fall and oral arguments for a moot court in the spring, both held at NYLS.

In addition to the credit-bearing course, NYLS law students are hired as instructors for the CHSLSJ Summer Law Program each year. The Summer Law Program is usually a three-week, twelve-day intensive program for all incoming ninth grade students at CHSLSJ. The instructors teach a range of subjects including an introduction to law, criminal law, contracts, and constitutional law. The second week of the program concludes with a mock senate hearing and the third week focuses entirely on mock trial.

Both the Summer Law Program and the Street Law course had run successfully for years when COVID-19 completely disrupted life in New York City and around the world.

III. Remote Teaching

Spring 2020

In March 2020, the number of COVID-19 infections exploded in New York City. On March 1, 2020, New York City only had one documented case of COVID-19 and on

⁵ Amy Wallace, A Law-Themed Charter High School Born at New York Law School Remains Indelibly Linked, 4(1) Int'l J. of Pub. Legal Educ. (2020).

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March 20, 2020, there were almost 3000 documented cases.⁶ New York Law School closed its campus on March 4, 2020 due to possible exposure to the virus by a law student. Clinical and Experiential faculty struggled to safely reconstruct practical legal programs that involved direct contact with clients. Street Law students were understandably concerned by the exposure to the virus in the crowded hallways and classrooms at CHSLSJ. In addition, teaching in the Bronx involves a long commute on public transit for most of the law students. They left for spring break anxious but expecting to return to in-person teaching at the end of the holiday. On Sunday March 15, 2020 the New York City Board of Education moved all city schools to remote learning.⁷ The NYLS law students were scheduled to teach on that Friday March 20, 2020. As administrators at the high school scrambled to prepare remote lessons and materials to cover all courses, we tried to recreate our Street Law program in a virtual setting. The law students and I agreed that regardless of the circumstances, we could not stop teaching because the program is so important for the skill building and civic engagement of our high school students.

At the outset the duration of the quarantine was unclear. We ignorantly thought that if the city shut down completely for two weeks that we might be able to return to

⁶New York COVID Map and Case Count, New York Times (Oct. 1, 2020), <https://www.nytimes.com/interactive/2020/us/new-york-coronavirus-cases.html>.

⁷ Eliza Shapiro, New York City Public Schools to Close to Slow Spread of Coronavirus, New York Times (Mar. 15, 2020), <https://www.nytimes.com/2020/03/15/nyregion/nyc-schools-closed.html>.

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normal. It quickly became clear that we would all be working and learning remotely for an extended period.

Because the Street Law program is founded on interactive, student-centered, skill building lessons, we were initially adamant that our virtual lessons be synchronous. We believed that the high school students needed to be able to work in groups and interact with their law students and each other. After discussions with CHSLSJ, it became clear that due to inequities in access to technology and internet service, that synchronous lessons were impossible.

We had to readjust our thinking to what was possible. It was decided that Street Law in some form would be beneficial to the high school students and law students. We had just started teaching the final moot court unit. The law students had to teach the substantive law of the right against unlawful searches and seizures, how to write case comparisons, and how to formulate arguments for a moot court, all without any live instruction. Prior to the shutdown, the law students were team-teaching four separate classes at CHSLSJ. Although the law students all teach the same topic each week, teams create their own lesson plans and use different teaching methods to facilitate each class. In quarantine, the school asked us to produce one asynchronous lesson per week, which was assigned to all four Street Law classes.

Because we wanted the high school students to continue to see and hear their instructors, we decided to record short videos to accompany worksheets which were uploaded to Google Classroom. The law students did an incredible job putting together short informative videos which included the content the high school students

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needed to complete the virtual assignments, and also conveyed warmth and support that the students needed at such a confusing and stressful time.⁸

Training the law students presented new challenges as well. Typically, we discuss each topic at the beginning of the week and then the law students prepare their own lessons. Suddenly, ten law students had to produce one asynchronous lesson. I decided to leave the law students in their original pairings. Each pair prepared a proposal detailing how they would teach the subject that week. They each circulated their proposal and were also required to comment on the other proposals for our weekly seminar. In class we discussed the strengths and weaknesses of each proposal and as a group chose one pair's plan to develop into the official lesson for the week. That pair then completed the lesson and recorded the video.

The teamwork displayed was remarkable. Without my direction, the law students seamlessly chose a different pair's proposal each week so that everyone felt included in the asynchronous process. Initially, I worried that the law students would be frustrated preparing a lesson proposal that was ultimately not chosen. I emphasized that Street Law is intended to benefit both the high school students and the law students and that researching and preparing lessons continued to be valuable practice for them regardless of whether the group ultimately opted for their proposal. Using this model, the law students continued to learn substantive legal topics and practiced

⁸ Stories of Teaching, Learning, and Advocacy in the Digital Environment, New York Law School News (Apr. 6, 2020), <https://news.nyls.edu/stories-of-teaching-learning-and-advocacy-in-the-digital-environment/>.

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deconstructing the material for non-lawyers. Our asynchronous lessons were not an equal substitute for the engaging in-person lessons the law students had been facilitating pre-COVID, but the activities continued to foster the critical thinking and advocacy skills that the high-schoolers had been working on all semester.

It was difficult to assess the efficacy of our remote lessons. We delivered the lessons each week and the school uploaded them for the students, but, consistent with our pre-COVID arrangement, the cooperating classroom teacher graded the students' work. She reassured us that the students were completing their assignments, but it was not until the high school students submitted their final moot court arguments that we confirmed that our lessons had been successful. Amazingly the students produced thoughtful, well-constructed arguments. The law students had managed to teach the entire unit with videos and virtual assignments. I am extremely proud of the hard work and resilience of both the law students⁹ and the high school students.

Summer 2020

When we started planning for the 2020 Summer Law Program, the school decided that they wanted to offer the program synchronously. Typically, the program runs from nine to twelve each morning, four days a week, for three weeks. Three straight hours on Zoom for thirteen and fourteen-year olds was an untenable idea. I suggested we divide the time into manageable chunks for the ninth graders. The students would

⁹ Huge thank you to my dedicated and unflappable Spring 2020 NYLS law students: Hayden Boudreaux, Edward Colligan, Andrew Frenkel, Lara Giray, Victor Hernandez, Logan Matura, Michael Moore, Reshma Ramrup, Zaine Shetayh, and Lauren Stolz.

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start the day with a thirty-minute Zoom. They would then have a thirty-minute break where they would be responsible for an independent assignment uploaded to their Google Classroom. They would return for a final thirty-minute Zoom.

All of the lessons and materials that had been used during the four previous summer programs had to be rewritten for remote learning. I reviewed each of the lessons and reconceptualized them for a virtual learning environment. To address the global turmoil impacting our high school students, I wrote two new lessons to be included in the summer curriculum. The first lesson revamps the classic “No Vehicles in the Park” lesson¹⁰. The lesson traditionally asks students to examine scenarios to determine whether they violate a town’s vague vehicular traffic law. The purpose of the lesson is to highlight and contrast the concepts of “letter of the law” and “legislative intent.” The revised lesson includes photos of COVID-19 social distancing laws mandating “No Vehicles at the Beach.” The second new lesson addresses First Amendment protections for freedom of speech and the nationwide Black Lives Matter protests against police brutality. We hoped the new lessons would help to engage the students in a virtual environment where external factors often make it challenging for students to focus.

¹⁰ This classic United States law school lesson asks students to review a number of scenarios to determine whether they have violated a town’s “No Vehicles in the Park” law. The scenarios can include “vehicles” like: a stroller, a wheelchair, an ambulance, a motorized bicycle, or a stationary tank monument. The purpose of the lesson is to introduce the concept of legislative intent and the importance of drafting precise legislation.

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The two NYLS law student instructors hired to teach the Summer Law Program accepted positions in February when the extent and duration of the lockdown were unimaginable. When told they would be teaching remotely, they were incredibly adaptable and easily made the transition. The three-day instructor training was conducted entirely online and included the usual review of the legal topics and lessons. The training also included hours of Zoom practice. Despite having spent half a semester attending classes on Zoom, the instructors quickly learned that teaching on Zoom was much more difficult. Fortunately, we were able to secure additional law student volunteers to help support the main instructors.

Summer Law Program classes began in mid-July. During the first couple of days, the high school students were very reluctant to participate. Attendance in both sections was low.¹¹ The charter school requires the students to have cameras on, in part to confirm each student's identity. The cameras on requirement did affect the strength of some students' Zoom connections at times. One of the first lessons that really engaged the students was the COVID activity. We were unsure whether the students would be fatigued with thinking about the pandemic and discussing how the shutdown was affecting everyone's lives. We were happy to discover they wanted to explore these issues. Because the social distancing legislative intent behind the "No Vehicles at the Beach" law was omnipresent for the students, they did an exceptional job differentiating that intent from the plain language of the regulation.

¹¹ Attendance is a perpetual problem for the Summer Law Program, so it is unclear whether the move to distance learning affected attendance in this case.

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Because attendance in each of the two sections was low, about four days into the program, I suggested we combine the classes. I thought that more students together would mean more opinions and viewpoints to consider. My suggestion had the exact opposite effect and at the request of the instructors, we split them back into their original classes the next day. The high school students were more engaged and participatory in smaller, more intimate groups.

During the break between Zooms each day, the law students suggested but did not require that the high school students remain logged into the Zoom. They were told to turn off their cameras and mute themselves while they completed the independent assignment and took a break. At the time, the intention was to ensure the students returned for the second half of class, but the downtime in the middle of the day instead became a moment of community building. Students would reach out to the law students for individual assistance with assignments and also just to talk about college, law school, and careers. Before the start of the summer program, we had managed our expectations about the development of community at a remote Summer Law Program. Collegiality is typically a huge part of the summer program since the high school students come to CHSLSJ from many different middle schools around New York City. It is the first opportunity they have to interact with each other and the first time they are introduced to the law curriculum and the law students. That community building happened this summer is miraculous and the result of phenomenal NYLS

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law student instructors and volunteer assistants¹². We would have preferred stronger attendance, and class participation constantly required patience and perseverance from the law students, but nonetheless, the summer was a success. The high school students had engaging discussions and thoughtfully addressed current events. The charter school even decided to implement our thirty-minutes-on, thirty-minutes -off, thirty-minutes-on model for all of their subjects for the fall semester.

IV. Best Practices

The camaraderie of the legal profession was apparent during the switch to remote teaching. Faculty throughout our law school and around the country were sharing ideas and offering assistance. New York Law School provided countless professional development opportunities including access to a seven-session, ten-hour course on remote legal instruction.¹³

Between collaboration, professional instruction, and our experiences teaching both asynchronous and synchronous Street Law classes, I have assembled our best practices. They can be divided into two broad categories: class structure; and class content.

Class Structure

¹² Thank you to the amazing NYLS Summer Law Program law students: Natasha “Delali” Madison (instructor), Filomena Stabile (instructor), Taylor Barje (volunteer assistant), Caitlyn Kelly (volunteer assistant), and Mariella Rutigliano (volunteer assistant).

¹³ Preparing for the Future of Legal Instruction – Online Teaching Tips & Techniques, The Center for Computer-Assisted Legal Instruction, (June 9-30, 2020), www.cali.org.

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The decision about whether to teach synchronously or asynchronously will likely be made entirely by or at least in collaboration with the teaching site. Initially we could not imagine a productive, student-centered, asynchronous Street Law program. Our experience in the spring semester taught us that even using videos and worksheets, worthwhile skill-building Street Law work can happen asynchronously. Remote learning will be, in most circumstances, a temporary measure. Although synchronous classes do provide greater opportunity for interactivity both between the students themselves and the students and the instructors, asynchronous instruction is better than stopping Street Law classes completely.

We also learned to consider adding asynchronous components to a synchronous class. As will be discussed later, interactive activities on Zoom are very time-consuming therefore including an asynchronous pre-recorded video, which covers any brief lecture portion of the lesson, frees up the synchronous time to devote entirely to interactive elements. Another advantage is students can watch the video at a time when they are most able to learn. When we taught synchronously over the summer, students would unmute themselves to participate and there was often a remarkable amount of background noise in their home. Enabling those students to watch the video at a quiet time in their home, or when there aren't competing demands on their internet and technology might be beneficial for many communities. Students can also watch a video multiple times if they are struggling with a concept. Instructors are typically meeting with their classes less frequently with the new remote schedules. Asynchronous elements such as videos or even discussion board type activities can

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bridge longer periods between meetings. Posting interesting articles or political cartoons on a platform like Google Classroom and asking students to comment is a way to keep them involved and thinking about Street Law. It also enables them to interact more with their peers, which is something many students are missing in this remote environment.

The length of the class is also something that will likely be determined by the school. The NYLS law students are teaching in 110-minute blocks this fall. The experts at the workshops I attended stated that forty-five minutes is the longest we should expect our students to be able to focus on a Zoom or synchronous class. In addition, lessons where students are active participants rather than passive listeners contribute to greater student attentiveness, engagement, and information retention.

The teaching site may also dictate class size. Generally, an ideal class size for an in-person Street Law class is eighteen to twenty-five students. After teaching our synchronous classes this summer, we determined that closer to fifteen may be ideal on Zoom. Whether it was a general lack of engagement or performance anxiety, which can be magnified on Zoom because a speaker can see everyone staring at them, the students were more reluctant to contribute in the remote classroom. This problem was amplified during the summer program when I combined the classes. The students contributed in their breakout rooms but were hesitant to share out in the main group. Together with class size is the question of the ideal number of instructors. In a regular semester the NYLS law students teach in pairs. In fact, having more than two facilitators can sometimes be distracting in an in-person classroom. This was not

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true over the summer. We had at least three facilitators in each class and in the fall we will have teams of four or five for each class. Having a facilitator for each breakout room is crucial for remote learning. In a classroom, the instructor can look around the room and see a group that is confused or off-task. In a virtual classroom, that isn't possible so having facilitators in each breakout room to guide and answer questions is very important. Upon entering breakout rooms at the start of the Summer Law Program, we often found the high school students sitting in silence with everyone muted. Sometimes they were confused about the breakout assignment but were unsure how to return to the main Zoom to ask for assistance. Once facilitators were present in each room, the students were very productive and engaged.

There is a great deal of technology available to assist with virtual learning. The most important lesson we learned was to keep the technology as simple as possible. Many of the high school students were joining the class Zoom on their phone or did not have access to reliable internet. Most Street Law programs are directed at underserved communities where these technological inequities can be the most severe. The students struggle to run multiple programs at the same time. A platform that enables the instructors to teach synchronously (if possible) and a web-based learning platform like Google Classroom are the basic requirements. For the summer program we used Zoom and Google Classroom. The charter school had been using Google Classroom throughout the spring semester, so the students were familiar with the technology. Whatever platforms and technology are chosen should be used consistently. Students should not be trying to learn about a variety of new programs in addition to learning

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the legal topics. The charter school has several class sets of the Street Law textbook so they are planning to arrange for parent pick up of the textbooks to ease the technological burden. We will then design lessons that rely on the textbook as much as possible. The New York City Department of Education distributed hundreds of thousands of iPads¹⁴ and many internet service providers in the United States offered free internet service for students. In addition, CHSLSJ provided mobile hot spots and Ipads to students. The unequal access to technology is a huge issue for distance learning. We are fortunate that this issue was taken seriously by the New York City Department of Education and CHSLSJ.

Class Content

Assessing student comprehension can be more challenging in a remote teaching environment. During in-person teaching, instructors can scan the room and notice students who aren't completing the assignment or participating in their group discussion. In addition, when students are together, they can ask their neighbor if they missed an instruction or zoned out temporarily. None of this can happen in a virtual space. We concluded that checking for understanding needed to be a central component of all virtual lessons. Asking "does anyone have any questions" was never an effective tool to measure the comprehension of teenagers and it works even less well remotely. It is more effort and can be intimidating for students to unmute

¹⁴ Luis, Diaz, NYC Working with Apple to Supply 300,000 iPads to our Students for Distance Learning, New Yorkeled Magazine (Mar. 16, 2020), <https://www.newyorkled.com/nyc-working-with-apple-to-supply-300000-ipads-to-our-students-for-distance-learning/>.

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themselves and ask a question in front of the whole class compared to privately asking a circulating instructor in an in-person classroom. We have emphasized asking the high school students to restate the instructions in their own words each time we give them a task. It may seem cumbersome, but it frequently highlights that many of the students are not clear on their assignment. The law students have also added more scaffolding questions to their lessons. For example, asking students what they think is the most interesting part of an article they are reading aloud, or the most challenging part of a scenario they are analyzing in groups. The law students need to ask questions where the feedback will tell them whether the high school students are prepared for the next assignment.

We have had to manage our expectations in terms of what we will accomplish in our classes. One of the most important lessons we learned during the summer program was how much less we could accomplish teaching virtually. Everything we planned to do took almost twice as long as it would take in the classroom. During the first few days of the Summer Law Program we were so far behind schedule that we were taking the Zoom break when the students were supposed to be returning from break for the second Zoom. I started cutting things out of the lessons because we did not want the high school students to be on the Zooms for that long. Especially when using interactive techniques, all of the procedural elements take time that we never had to spend in the classroom. Sharing screens, putting students into breakout rooms, repeating instructions, and waiting for students to access the documents on their Google Classroom are all very time consuming. Add to those delays that student

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participation requires more prompts from the instructors than would typically be required to foster discussion in an in-person class. Street Law programs are about skill-building not coverage and I remind my students that we are not teaching a bar exam prep course. It is more important that the high school students have a thoughtful, analytical discussion of two scenarios than rushing them through a surface discussion of five. We decided to be incredibly thoughtful about the topics we chose to cover because we accepted we would teach less than previous semesters.

Carefully crafted lesson objectives are critical in this remote environment. The law students need to think about what they want their students to be able to do by the end of class, how the students are going to learn and practice those things, and how we are going to measure those objectives.

Interactivity is a hallmark of Street Law pedagogy. We know it is crucial that whenever possible we incorporate engaging elements into the lessons. We introduced photographs and images into our lessons for the summer program. The visuals definitely captivated the students and increased participation. Being on Zoom can be tiresome, even when discussing relevant topics and the use of photographs added an additional layer of interest. The students responded very well to the visuals included in the “No Vehicles at the Beach” lesson.



Figure 1 'Park Closed to Vehicles' sign



Figure 2 'Beach Closed to All Vehicles' sign

Polls can also be a useful addition to a lesson. There are many poll programs available that have a large variety of options. We use the basic poll feature contained within Zoom, so our high school students do not have to access another platform. Student participation in the polls used in our classes was almost one hundred percent. Students who refused to contribute to discussions would participate in a poll. Clicking on a poll response is a very small demand of a student. However, using a poll can have a disproportionately positive effect on class participation. The students unwittingly become invested in the topic. They vote in the poll and therefore commit to an answer. We noticed they are more willing to contribute verbally after they participate in a poll. Our First Amendment and Protest lesson starts with a series of images and a simultaneous poll, which asks students whether the image depicts “speech”. The students were very engaged during this lesson and carefully analyzed

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what types of speech should be protected by the constitution. We chose images of people of color exercising their rights to free speech to reflect the community where the law students teach. We want the high school students to easily visualize themselves speaking out against injustice and engaging in their community.



Figure 3 Young people holding protest signs which read #MeToo



Figure 4 Image of a protester with a t-shirt that reads 'I CAN'T BREATHE'

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It is very helpful to be able to write a poll in advance, using the template provided by Zoom, and upload it into the meeting set-up. It also alleviates some of the expected stress and nervousness at the start of the class.

The final best practice relates to the use of media in a virtual classroom. Richard Mayer is a renowned psychology professor and an expert on how people learn. He has focused his research on how media can be used most effectively in teaching. He suggests that images can be very helpful when used together with narration¹⁵. However, he contends that when unnecessary on-screen text is added to images, it is difficult for the brain to listen to the words being spoken, look at the image being displayed, and read the text on the screen. Using this rule, we include little or no words on any slides that we use except the words actually contained within the image. Mayer also argues that people learn better from narration and pictures than narration alone but only if the media is actually contributing to or clarifying what you want the students to be learning¹⁶. In the remote environment, many instructors are seeking out video clips and other media to make virtual lessons more interesting to the students. Our conclusion is to choose the media thoughtfully and think about whether it is actually contributing to what we want the students to learn.

¹⁵ Richard E. Mayer, *Multimedia Learning*, 3rd Ed. 186 (2021).

¹⁶ Richard E. Mayer, *Multimedia Learning*, 3rd Ed. 117 (2021).

V. Implementation

In August 2020, the fall semester of Street Law began. Nine students went through three weeks of training before teaching their virtual classes for the first time in mid-September. We have used all our best practices in the preparation for this fully remote semester of Street Law. The law students teach 110-minute blocks broken into a forty-minute Zoom, thirty-minute independent assignment, and a forty-minute Zoom. The law students design lessons that cover the same amount of material as they would previously teach in the average one hour in-person class. The lessons are highly interactive and student-centered. Although we typically teach criminal law in the fall semester, the school noticed the level of engagement with the First Amendment and freedom of speech lesson during the Summer Law Program and requested that we teach constitutional law instead. We have focused on contemporary issues including a lesson on school board censorship of library books to coincide with Banned Books Week.¹⁷ The students really respond to lessons that focus on issues that directly impact them.

The law students are divided into one team of four instructors and one team of five. In a typical semester, the classroom teacher meets with each of her classes three times per week. The new virtual schedule means she meets with each class only once per week and only two of her classes meet on Fridays when the law students are

¹⁷ Banned Books Week in the United States is a week devoted to the freedom to read. It began as a result of an increasing number of challenges to books in the 1980s. Today the week is a celebration of reading generally and particularly those books that faced the greatest number of challenges that year.

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scheduled to teach. The larger teams are working well because there is always a law student present in each breakout room to encourage discussion and keep students on task. It also allows the law students to manage the Zoom functions together. Each team prepares an extremely thorough lesson plan detailing which team member is responsible for which task at every stage of the lesson. This rigorous planning and organization, although time consuming, is critical to the success and flow of a remote lesson.

One of the unforeseen effects of teams in place of pairs is the law students have been reluctant to share their experiences in seminar each week. When divided into their team breakout rooms, they are ready to unpack the successes and struggles of each class but in the main group they are quiet. This is not an issue I have encountered before. Typically, the pairs readily share their weekly experiences with the whole group. I will be working on strategies to encourage more enthusiastic debriefing with the whole class.

The law students have taught for six weeks and the lessons have been very successful. The high school students are engaged in the lessons and they have wonderful insights to contribute to class discussions. The classroom teacher is present on each Zoom, which is very helpful. She attends to issues like insisting on cameras being on and students being attentive. While we have had students Zooming from their beds or otherwise laying down and not in an appropriate learning environment, generally the students have been focused and participatory. In the second week, a high school student asked to speak to the law students during the break and she asked very

thoughtful questions about college, law school, and how to avoid a legal career where she would be sitting at her desk all day. Community is already beginning to form¹⁸.

VI. Conclusions and Further Study

Interactive, student-centered Street Law lessons are possible in a virtual setting. The planning and problem-solving involved in creating engaging remote lessons is far greater than for an in-person classroom. There are more considerations and circumstances that must be factored into lesson preparation. Virtual lessons will never equal in-person interaction and community building, but they can be an effective temporary solution until we can all safely return to classrooms.

Few law schools in the United States continued to teach Street Law when schools closed in spring 2020. However, many law schools are planning to run virtual Street Law programs for fall 2020 and spring 2021. I intend to reach out to the professors and law students who attended the Street Law, Inc. webinar on teaching remotely¹⁹ as the second part of this paper. Part two will analyze the virtual programs implemented by these law schools including an examination of which best practices they incorporated and whether any of those suggestions contributed to the successful implementation of a remote Street Law program.

18 Thank you to my wonderful NYLS Fall 2020 law students: Thomas Blau, Benjamin Brookhim, Lauren Cannan, Noel Flugel, Amanda Schribman, Christie Soule, Christopher Suris, Tiffany Williams, and Madison Woods.

19 Amy Wallace, *Tips and Best Practices for Conducting a Street Law Program Online*, Street Law, Inc., Aug. 28, 2020.

PROMOTING POSITIVE MENTAL HEALTH IN INTERNATIONAL POSTGRADUATE LAW STUDENTS AT A TIME OF GLOBAL UNCERTAINTY: A CASE STUDY FROM QLEGAL AT QUEEN MARY, UNIVERSITY OF LONDON

Emily Wapples¹

Abstract

Law student mental health and wellbeing was already a growing concern in the UK prior to COVID-19, but when the pandemic occurred, widespread uncertainty placed an unprecedented level of mental health burden on students. Law students were faced with dashed hopes, uncertain futures and the fear of negative academic consequences. This burden was exacerbated in respect of postgraduate international students in London, who were often also forced to decide whether to return home to their families, or to continue their studies abroad, albeit online.

This paper uses a case study approach to discuss how one provider of postgraduate clinical legal education (CLE), approached the promotion of positive student mental health both before, and in response to, the pandemic. qLegal at Queen Mary, University of London provides CLE to postgraduates studying for a one year law masters, and in 2019-2020, qLegal delivered CLE to 134 students from 27 countries.

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The impact that the pandemic had on the mental health of international postgraduate law students was therefore witnessed first-hand.

This paper discusses the challenges faced, and concerns raised by international postgraduate law students at qLegal as a result of the pandemic. It examines the steps taken by qLegal to maximise student engagement and promote positive student mental health when rapidly switching to a model of online delivery. The paper concludes by outlining the steps qLegal will take to monitor and address the impact that online delivery in this period of global uncertainty has on the mental health of the next cohort of postgraduate CLE students.

Introduction

Law student mental health and wellbeing was already a growing concern in the UK prior to the COVID-19 pandemic (the '**Pandemic**'). The global uncertainty resulting from recent events has exacerbated these concerns and placed an unprecedented level of mental health burden on students, especially those studying internationally.

This paper adopts a case study approach to discuss how qLegal, the pro bono commercial law clinic within the Centre for Commercial Law Studies at Queen Mary, University of London ('**QMUL**') approached the promotion of positive student mental health both before, and in response to, the Pandemic. It discusses the challenges faced by qLegal and our students in the wake of the Pandemic, and reflects on the steps

taken to maximise student engagement and promote positive student mental health when rapidly switching to a model of online delivery of clinical legal education ('CLE').

This paper aims to highlight the urgent need for CLE providers to integrate the promotion of positive student mental health into their online offerings and provides suggestions for ways to do so. As a result, it is hoped that we can equip law students with the emotional intelligence and skills they need to meet their potential in an increasingly demanding profession.

Before discussing the impact of the Pandemic on our students, it is necessary to first set the scene by discussing qLegal's CLE offering, the concerns which international students faced prior to the Pandemic, and our approach to student mental health generally.

PART 1: CONTEXT

What is qLegal?

Now in its seventh year, qLegal operates as a simulation of an innovative commercial law firm. It offers pro bono legal advice and support to start-ups and entrepreneurs in areas such as intellectual property law, data protection, corporate structure and commercial contracts. qLegal students have the opportunity to participate in its

programmes either in addition to their studies, or as an assessed, credit-bearing module. In 2019-2020, student programmes included (for example):

- 1. Legal advice clinic:** Under the supervision of a qualified lawyer, student advisers interview clients, undertake research, and provide tailored preliminary written advice to clients.
- 2. Public Legal Education ('PLE'):** Students research, prepare and deliver workshops, or draft toolkits to raise legal and business awareness in schools, and among the start-up community. This includes qLegal's Street Law and Business initiative ('**StreetLaB**'), where students design and deliver lessons on law and entrepreneurship to pupils in disadvantaged areas, culminating in an incubator-style 'Pitch It' competition for the pupils, run with external lawyers.
- 3. Legal Design:** In teams, students use Legal Design methodology to produce solutions to law-related problems.

Together, the qLegal programmes aim to equip postgraduate law students with the legal and practical skills they need to succeed as lawyers in the 21st century: skills which legal employers often regard junior lawyers as lacking, such as commerciality and client care².

² BPP University Law School (2018), The law training report: What skills do firms expect new entrants to possess in the post SQE era?, pp.18-22 [online] available at <https://s3-eu-west-1.amazonaws.com/bppassets/public/assets/pdf/brochures/Uni-Law-SQE-Focus-Groups-Report-2018.PDF>

In 2019-2020, the qLegal team comprised three full-time and one part-time employees with diverse backgrounds spanning CLE, legal practice, entrepreneurship, coaching and project management³. Two of the employees are also trained as Mental Health First Aiders⁴.

London: the student capital of the world

In 2019, London was ranked as the number one city in the world for students⁵. Students are attracted to the excellent academic offerings; diverse nature of the city and the employment prospects London brings (among other things)⁶. QMUL offers a truly international experience for students, achieving 18th place in the 2018 Times Higher Education international students table, with 44.8% of its students coming from abroad⁷. In 2019-2020, qLegal provided CLE to 134 postgraduate students from 27 countries studying for a one year law masters. The countries with the highest number of qLegal applicants were India, China, Italy and Greece, with students regularly

3 <http://qlegal.qmul.ac.uk/about/team/>

4 The Mental Health First Aid (“MHFA”) programme began in Australia in 2000, and has since evolved into a global movement that is delivered by an active community of licensed providers in 24 countries. MHFA training first came to England in 2007, and between 2018-2019 MHFA England trained over 140,000 people in mental health skills. MHFA England (2018-2019), MHFA England Impact Report 2018-2019, p.1 and p.9 [online] available at https://issuu.com/mhfaengland/docs/mhfa_england_impact_report_2019/2?ff

5 QS Quacquarelli Symonds (2019), Rankings Revealed: The Best Student Cities of 2019 [online] available at <https://www.qs.com/rankings-revealed-the-best-student-cities-2019/>

6 QS Quacquarelli Symonds (2020), QS Top Universities – London [online] available at <https://www.topuniversities.com/university-rankings-articles/qs-best-student-cities/london>

7 Times Higher Education (2018), The World University Rankings. International student table 2018: top 200 universities [online] available at <https://www.timeshighereducation.com/student/best-universities/international-student-table-2018-top-200-universities>

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citing a desire to gain practical experience of the London legal market as their motivation for applying.

Concerns of international students

It is acknowledged that international students frequently have additional concerns to domestic students, including being away from friends and family, learning different study methods and learning in a new language⁸. QMUL students complete their Law Masters in one year; a third of the time law students spend studying for their undergraduate degrees. The process of adjusting to their new studies and environment, and forming new friendship and support groups is therefore accelerated and intensified for international postgraduate law students.

qLegal's approach to teaching and pastoral support has been developed, and continues to be refined to address the additional concerns that our international students commonly face.

Law student mental health

It is acknowledged that "law student mental health and wellbeing is a growing concern in the UK"⁹ (LawCare, n.d.). This paper adopts the following definitions and understanding of mental health:

⁸ UK Council for International Student Affairs (2020), Mental health support in the UK, [online] available at <https://www.ukcisa.org.uk/Information--Advice/Studying--living-in-the-UK/Mental-health-support-in-the-UK>

⁹ LawCare (date unknown), Wellbeing in Law Teachers & Students Workshop [online] available at <https://www.lawcare.org.uk/news/wellbeing-in-law-teachers-students-workshop>

“Mental health is a state of wellbeing, in which an individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively and is able to make a contribution to his or her community”¹⁰ (World Health Organization, 2019).

Mental health can be “seen as a continuum, ranging from having good mental health to poor mental health and from having no diagnosis of mental illness to a diagnosis of severe mental illness”¹¹ (MHFA England, 2016).

People become ill when the stress they face becomes more than they can cope with¹².

qLegal’s approach to student mental health prior to the Pandemic

Appleby and Bourke (2014) assert that law students are a particularly ‘at risk’ group of mental ill health, stating that “[m]any law students experience elevated levels of emotional distress during their time at law school...[which]...are statistically significant predictors of serious mental illnesses”¹³. In our experience, postgraduate

10 World Health Organization (2019), Mental Health: Fact Sheet, p.1 [online] available at https://www.euro.who.int/__data/assets/pdf_file/0004/404851/MNH_FactSheet_ENG.pdf

11 MHFA England (2016), Adult MHFA Manual (publisher unknown), p.32.

12 Ibid 11 p.44. The ‘Stress Vulnerability Model’ was “proposed by Zubin and Spring in 1977. The idea behind it is that people become ill when the stress they face becomes more than they can cope with. Also, people’s ability to deal with stress – their vulnerability – varies, so problems which one person may take in their stride might be enough to cause another person to become depressed or develop other mental health issues...”.

13 Appleby, M. and Bourke, J. (2014), Promoting Law Student Mental Health Literacy and Wellbeing: A Case Study from The College of Law, Australia, *IJCLE* Vol 20, No 1 (2014), p.494 [online] available at <https://www.northumbriajournals.co.uk/index.php/ijcle/article/view/18>

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law students may experience heightened levels of emotional distress in situations when they feel lacking in control, do not have a good support network or feel isolated, and are placing unreasonable expectations on themselves. We recognise that students' ability to deal with these potentially stressful situations varies; situations which one student may be able to take in their stride, may cause another student to develop a diagnosable mental health condition.

qLegal aims to prepare students for real life and we understand that "working as a law professional can be very stressful, with overwhelming workloads and emotionally challenging cases"¹⁴. We expect our students to meet the same high standards they would in legal practice, but we are cognisant that many students may not be prepared for the additional pressures this brings. It is a difficult balance to strike. We do not shield students from the demands of legal practice in the UK, but equip them with the tools to be able to thrive within it.

Specific techniques used to promote positive student mental health

Promoting positive student mental health and wellbeing has always been an important focus for qLegal, and two team members are trained Mental Health First Aiders. Our mental health strategy involves addressing the topic consistently throughout the programmes and embedding it within the student experience.

14 The Law Society (n.d.), Stress and mental health [online] available at <https://www.lawsociety.org.uk/career-advice/career-development/stress-and-mental-health>

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The commitment to the promotion of positive student mental health for our 2019-2020 cohort began at the student induction day; the focus of the event being mental health in the legal profession. The aim was to destigmatise the topic by addressing it head-on.

At the beginning of the year, students were given 'Journey Guides' and asked to reflect on and record how they were feeling about their goals, skills and the way they worked (among other things). They were then encouraged to review these at the end of the programmes, to consider the ways in which they had developed as a result of their qLegal experience. This process of reflection helps students to develop self-awareness and encourages them to take responsibility for their development, which in turn, nurtures their emotional intelligence.

Emotional intelligence and resilience are often cited as skills which employers consider valuable in junior lawyers¹⁵. Our students are therefore encouraged to develop their resilience and their ability to adapt to new and unforeseen circumstances, or to cope with setbacks and frustrations. Again, this concept is peppered throughout the qLegal training programme¹⁶.

Students received extensive training on how to give and receive feedback, and were encouraged to adopt a peer coaching approach to problem solving. By discussing

¹⁵ Ibid 2, p.17.

¹⁶ For example, the qLegal Manifesto which students have to agree to at their induction provides that "[students] agree to welcome constructive feedback and provide it when it is asked of [them]...[students] cultivate resilience by trying [their] best, and letting [themselves] be seen".

unforeseen problems or setbacks with their peers, students were able to form solid support networks with one another.

Coupled with these formal approaches to learning and development, care and attention has been paid to developing the 'qLegal student experience'; that added social and emotional connection students feel with qLegal and their peers. "A positive student experience is defined by a high quality, modern teaching experience in an environment where students are made to feel safe and welcomed"¹⁷. The message that 'qLegal is a big family' and that everyone has something to contribute to it is constantly reinforced during the programmes, and after graduation with our alumni network.

Building on this, students were told to treat each other, and qLegal as colleagues. They were encouraged to shift their mind-set from seeing qLegal as part of their academic studies, to seeing it as an opportunity to gain real life, practical experience of the London legal market. Students were held to high professional standards and were accountable to each other. qLegal modelled the professional behaviour we expected students to adopt. We knew that their qLegal experience may be challenging at times, but we wanted to give students an insight into the pressures of legal practice within the safe and supportive qLegal environment.

¹⁷ QS Quacquarelli Symonds (2020), QS International Student Survey: Volume 3 - Defining the Student Experience p.8 [online] available at https://info.qs.com/rs/335-VIN-535/images/QS_Vol3-International_Student_Survey_2020.pdf

Finally, the requirement for students to conduct their confidential case work in the qLegal office facilitated, albeit indirectly, the opportunity for students to interact with others on their programme and the qLegal team on an informal basis. We also operated an 'open door policy' during business hours. These serendipitous encounters contributed to a greater sense of inclusion and the creation of a collegiate atmosphere among students and the team.

Together, these initiatives aimed to equip students with the professional, personal and emotional skills necessary to succeed in their future careers. By educating students on the importance of developing self-awareness, emotional intelligence and resilience, and encouraging them to form good support networks with their peers, students were better placed to thrive when placed under pressure.

PART 2: The challenges faced, and concerns raised by qLegal's students as a result of the pandemic

Homeward bound: qLegal's immediate response to the pandemic

In line with government guidelines for academic institutions, all qLegal operations were taken online from 17th March 2020. In the preceding weeks, our international students frequently shared their concerns with us. Students were often worried about family members back home, they were upset that people in the UK were not taking

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the situation seriously enough, and were concerned that they may not make it to their home countries before international borders closed.

The increasing levels of uncertainty placed greater emotional burdens on our students. Mindful of this, qLegal began to formulate our response to the Pandemic. In doing so, we were conscious of the need to provide students with regular, clear communication confirming what was happening, and what we expected of them. We acknowledged the uncertain times and encouraged students to remain positive and upbeat, so far as possible.

Our response required significant flexibility and creative thinking on the part of both qLegal and our students. Two illustrative examples of the approach taken to facilitate the remainder of the activities, and the challenges faced as a result will be discussed before turning to the challenges faced more generally by qLegal students.

PLE/StreetLaB Students

Students had delivered lessons to pupils in two local schools for two semesters, which would culminate in a 'Pitch It' competition between the schools. The grand finale was due to take place in early March, at the City offices of a global organisation, in front of external judges. However, the organisation's internal Pandemic policy prevented them from hosting the event. An alternative venue could not be sourced in time, due to the schools' internal policy for obtaining advanced parental/guardian consent to any off-site activities.

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The solution adopted was to run two separate competitions; one at each school. Pupils would compete only against their fellow students, in front of a panel of qLegal judges. All qLegal StreetLaB students attended both competitions.

There was widespread uncertainty in the UK regarding how organisations and individuals should be responding to the Pandemic, and guidance from the government, within QMUL, and within our external partners often changed with very little notice. Consequently, the logistics for the event were only finalised in the days immediately preceding the competition. The uncertainty of whether the competition would take place (and if so, how) was a key concern for our students. Knowing that students respond well to structure and routine, we increased the frequency of our communications with them. We organised additional in-person meetings and updated students regularly by email on the state of play.

A big draw to the StreetLaB programme for qLegal students was the opportunity to attend the offices of the global organisation for the competition. Students were disappointed at no longer being able to do so. We were conscious that these dashed hopes could lead to a general lack of motivation and feelings of failure for students. We addressed this in two ways: (1) by qLegal remaining positive and upbeat about the event, hoping that students would begin to mirror our behaviour; and (2) by encouraging the students to re-frame the Pandemic as an opportunity to demonstrate their adaptability and resilience, skills which employers often consider lacking in junior lawyers.

Legal Design Students

Legal Design is a methodology used by law firms to innovate, and put clients, and ultimate end-users, at the heart of legal service delivery. It is built on empathy and requires lawyers to research and create personas of the end-users, before designing and testing prototype solutions to meet end-users' needs. The idea is that law should not be delivered in a way that only suits other lawyers.

Students had been working for the whole semester to prepare for their second Legal Design challenge, which required them to use design thinking methodology to redesign the qLegal Legal Design programme. In teams, they would pitch their ideas to a panel of external judges and the winning idea will be implemented by qLegal next year. The pitch was due to take place in late March, after the lockdown began in the UK. Consequently, the competition took place remotely, with a mixture of external and qLegal judges.

Again, the students were disappointed that the competition could not take place in the circumstances they had initially envisaged. In response, we were keen to ensure that the online event had a real sense of occasion to it and reiterated to students just how seriously the judges were taking their responsibilities.

The students rose to the challenge, despite the difficulties they faced during this time. The majority of the international students had returned home before the competition took place. Further, at the time of the competition, one student had been admitted to hospital in India, and another was in self-isolation in Kenya. Notwithstanding this,

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the teams agreed that they all wanted to participate in the finale, and students from India, Russia, Cyprus and Kenya all pulled together to deliver their pitches. The students' enthusiasm and commitment to finishing their programme was a testament to their resilience.

Challenges and concerns across all qLegal programmes

In addition to the specific challenges faced by students on these two programmes, there were a number of difficulties which were experienced by students across all programmes. Foreseeing that these issues could be of great concern to students, we were keen to adopt an empathetic, yet professional manner when communicating with students. These challenges faced by students across all programmes fell broadly into two categories.

Availability issues

Although in theory the adoption of technology gave students the ability to work anytime, anywhere, the requirement that students worked in teams to complete their work often created challenges when working remotely.

Some students were unavailable to work on their case for up to 48 hours as they made the journey back to their home country. Other international students stayed in London but changed their living arrangements. Consequently, these students often found their study routine disrupted by their newfound family commitments.

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Anticipating that the availability of their teammates and coordinating work across time-zones may have proved frustrating for some students, we were keen to encourage students to be understanding of each other's circumstances and exercise patience. Although qLegal expects students to meet their deadlines, a degree of flexibility was displayed, especially to students on the Legal Advisory programme (who worked in pairs, meaning the unavailability of one student placed a heavier workload burden on the other).

Technology issues

Despite frequently being described as 'digital natives' because of their familiarity with, and access to, technology, some students still experienced occasional difficulties using the new platforms adopted. Unreliable internet connections often prohibited the use of cameras on video calls. Further, some students appeared hesitant, at least at first, to use their camera when attending calls with us: finding this new experience a little daunting.

Again, we encouraged students to be patient with each other, and qLegal while we all familiarised ourselves with the new technology. We shared the difficulties we had experienced in an attempt to demonstrate that we were 'all in this together' as part of a larger qLegal team.

Additional concerns raised by international students

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The global nature of the health crisis meant that students' concerns for family members in other parts of the world began long before the UK lockdown. Students began confiding in the qLegal team about their concerns for family members back home and began making arrangements to return to their home countries before the government closed international borders. The practicalities involved in securing their return home played on the minds of many students.

But the decision whether or not to return to their home country was not always an easy one. Students were often conflicted. Some students were keen to finish the year in London, gaining as much exposure to the local culture and employers as possible. Others continued to embrace the collegiate environment fostered by qLegal and its students, not wanting their academic and social experience to fizzle out when their fellow students began to leave campus. There was clear tension between the pull to return home, and the desire to remain in London until the end of term.

Whether students remained in London or returned home, they experienced a shake-up in their network of friends and support. With their fellow students relocating with little warning, students often found themselves without a nearby support network, at least in the days immediately following the 17th March.

qLegal check-in sessions

One international student (who had chosen to stay in London) confided that they were finding things more difficult given the lack of contact they were having with their fellow students, as many close friends were now abroad. They also noted that they

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did not want to approach tutors and academic staff to discuss the course and next steps generally, for fear of “*being a burden*”.

In response, we introduced informal online check-in sessions for students with a member of the qLegal team. The optional sessions ran three days a week between May and July 2020. The aim was to give students the opportunity to talk to a member of the team in a confidential, but informal setting; whether about their programmes, careers, or just to tell us how they were spending their time. Sessions were drop-in, on a first-come basis, for 15 minutes and took place using Microsoft Teams.

Student take-up of the check-in sessions was lower than anticipated. Possible explanations could reasonably include: students’ attention already being elsewhere (such as on their dissertation or employment); availability issues; or lack of promotion of the sessions. The students who did use the service appeared to find it useful, occasionally having a further check-in with another member of the team a few weeks later.

The time commitment involved in organising and attending the check-in sessions was minimal and despite the small take up from students, the initiative was considered a success and will be repeated next year.

Concerns shared with domestic students

International students also shared a number of additional concerns with domestic students, the most pressing one being the impact that the Pandemic would have on

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their academic achievements and career prospects. The removal of the structure and routine that classroom-based learning provides students, along with the increased requirement for students to learn independently were also concerns for all students. To combat this, we increased the frequency of our communications with students, ensuring that clear instructions were given regarding the opportunities available to, and responsibilities placed on students.

Reflections on our experience

The Pandemic placed a greater emotional burden on all students. Widespread uncertainty caused students to feel a lack of control, cancelled in-person events led to dashed hopes, and difficulties using new technology to communicate with teammates across time-zones proved frustrating.

Our strategy to minimise the effect that these concerns could have on our students was two-fold. Firstly, we increased the level of communication we had with students, making sure we communicated our instructions and expectations clearly and offering additional opportunities to meet with students online. Secondly, we always remained upbeat and encouraged students to re-frame the Pandemic as an excellent opportunity for them to demonstrate their adaptability and resilience.

PART 3: Maximising student engagement and promoting positive student mental health in an online classroom environment

What we did

The Legal Design and StreetLaB competitions were stand-alone events involving students on specific programmes. When the Pandemic hit, two further (optional) programme-wide opportunities were outstanding: (1) a CV workshop: training students how to make the most of their qLegal experience on their CV; and (2) the graduation ceremony: where students celebrated their qLegal successes and began the transition to qLegal alumni.

We decided early on that the students should not miss out on these opportunities and that we would offer them online¹⁸. However, we knew that just having the technology in place to facilitate online learning would not be enough, and careful consideration was given to how we would encourage students to engage with the technology and opportunities provided. We curated the events with a view to maximising student engagement and interaction.

The events took place in early June, at times of the day which would accommodate maximum numbers of students across various time-zones. Of the 134 students on our programmes, 18 students attended the CV workshop and 24 the graduation ceremony. Of the students who did attend, the vast majority were international students, many of whom had returned to their home country but were keen to see and interact with their fellow students again. We asked students to confirm where they were joining

¹⁸ We used Blackboard Collaborate, a virtual classroom solution.

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from, which broke the ice and demonstrated the global nature of their student network and the ability of technology to bridge global borders, thereby allowing students to feel a sense of connection to each other.

Specific care and attention was given to ensuring that the graduation ceremony was viewed as, and felt like a party; and not simply another webinar. We provided students with clear instructions about the event; setting the agenda and our expectations of them. To create a sense of occasion, students were encouraged to 'dress up' and have a drink close by to toast their cohort. Students really embraced the positive and playful tone of the event, and our preparations paid dividends. Feedback we received from students regularly cited the personal celebration of the achievements of each student as a significant factor in making the event "*enjoyable and memorable*", allowing students to end their experience on a high.

Reflections on our experience

Creating and delivering an engaging online CLE learning environment takes a lot of effort. The way in which all aspects of the qLegal programmes were delivered was re-examined and re-imagined, to ensure that students were still being given the best possible experience online.

The online learning experience can feel dehumanising and isolating to students. It is important to engage with students meaningfully and to encourage them to bring aspects of their personality to the session. For example, at the graduation, students

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were asked to share answers to personal questions such as *'who do they look up to?'*.

This was done to encourage students to bond in this new online environment.

Less is more when it comes to the length and frequency of online learning activities: our sessions were capped at 90 minutes, with a short screen break. Each session was curated to meaningfully add to the students' development, and sessions were well structured and interactive. They included small group discussions, practical exercises and made full use of the instant messaging facility. The aim was to build students' trust, and ultimately their engagement in the online learning process.

If students had initially been hesitant to speak on camera at the start of the Pandemic, or saw technology as a barrier to natural discussion, they were now more open to, and confident using their cameras. The possible perceived safety of being behind a computer screen gave some students increased confidence to contribute to group discussions. We noticed that certain international students whose behaviour had been extremely professional and reserved throughout their experience now displayed more playful and personable attributes.

In these times of instability and uncertainty, students have greater independence over their studies and how they spend their time. The purpose and benefits of each online event must be clearly publicised in advance to encourage and maximise attendance.

The low attendance rate at the CV workshop and graduation ceremony was disappointing and suggests a shift in behaviour by students, who were under increased pressure and wanted to focus on their credit bearing modules rather than

their extracurricular activities. In future, extra effort will be made to clearly advertise the benefits that students will obtain by attending optional online events.

The ideas and techniques adopted in these examples were not novel; it is anticipated many, if not all, were being adopted by CLE providers across the world. However, what made them a success was the effort we made in ensuring that the teaching was deployed with care; in a personal, individualistic way.

When curating the online events, we were conscious to continually provide students with sufficient information and opportunities to help them regain control over their studies. We remained upbeat throughout and encouraged students to do the same. It was hoped that if students felt positive about their studies and secure within their support networks, they would be better placed to deal with the increased pressure caused by the Pandemic.

PART 4: Steps qLegal will take to monitor and address the impact that post-pandemic online delivery has on students

Having worked with international postgraduate law students for the past six years, qLegal has a good understanding of the needs of our students and the specific concerns they have over and above many domestic ones. The focus on delivering the 'qLegal student experience', and a holistic approach to student development, breaks down cultural barriers, and builds cohorts of close-knit students armed with the

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practical skills and emotional intelligence needed when entering the legal job market. This, coupled with a shared desire for constant innovation and growth, makes qLegal well placed to adapt its offerings, where necessary, to meet the needs of students in this Pandemic era.

The steps we will take in the 2020-2021 academic year to monitor and address the Pandemic's impact on student mental health fall into three broad categories.

Building online engagement

As with many, if not all other CLE providers, qLegal will deliver CLE using blended learning in the 2020-2021 academic year, combining online and in-person activities.

We will deliver CLE using a flipped classroom approach. Students will be expected to watch training videos introducing them to the topics, and will then attend live webinars where they can discuss those topics in more detail with qLegal and their peers.

The techniques used to deliver quality, personal online learning opportunities to CLE students last year will continue to be deployed across programmes. In doing so, it is anticipated that students will be proactively encouraged "to become fully invested in the online learning experience and to enthusiastically embrace it as a crucial component of their higher education experience"¹⁹ (QS Quacquarelli Symonds, 2020).

¹⁹ QS Quacquarelli Symonds (2020), QS Stars Rating System – How to access your university's online learning capabilities (2020) p.10 [online] available at <https://www.qs.com/portfolio-items/how-to-assess-your-universitys-online-learning-capabilities/>

Building resilience and positive wellbeing

Mental health education and support will continue to be embedded throughout the programmes largely in the manner adopted previously. Additional training and guidance will be provided on how to stay safe online and the potential detrimental impact overusing technology can have on mental health and wellbeing.

As part of the reflective journal students are required to keep, students will be asked to complete a short (anonymous) survey recording how they feel about the future, the support they are receiving from the qLegal team and peers, and their attitudes towards online learning (among other things). The survey will be completed at the start and end of the academic year for students to monitor their progress during the programme. The results will also be used by qLegal to assess the effectiveness of the offering to students, specifically in the context of online delivery.

The drop-in, confidential check-in sessions will be offered in the format trialled earlier this year, but with increased publicity to students at the start of the year.

Building student networks

To compensate for the lack of in-person opportunities students will have to socialise with each other, qLegal will host additional weekly online events for students across all programmes. Students with a live case or PLE project will be required to attend weekly breakfast meetings. They will reflect on, and share their experience on their cases, thereby encouraging a peer coaching approach to student development. In

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doing so, students will expand their friendship and support network, and gain a sense of ownership and belonging within the qLegal community.

All students will also have the option of joining an informal online 'qLegal Friday social'. Students and the qLegal team will share photographs of themselves as a baby and will compete to guess who each photo belongs to. They will be encouraged to show their fellow students an object which says something about their personality and contribute a recipe for inclusion in a qLegal international recipe book. The aim of these activities is to encourage students to really get to know one another and to build a collegiate atmosphere.

Neither of these scheduled events will make up for the serendipitous nature of students running in to one another in the qLegal office. However, they are a way of encouraging students to build their personal friendship and support networks and to feel part of qLegal, with the ultimate aim of preventing student isolation.

Conclusion

It is clear that the Pandemic has placed unprecedented levels of mental health burden on all students, not just international ones studying postgraduate law. Students are faced with a new way of learning, uncertain futures and increased pressures. International students also experience additional concerns as a result of being away from home and learning in a new language.

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If these pressures become greater than an individual can cope with, they have the ability to trigger a diagnosable mental illness. Accordingly, it is important that steps are taken to minimise these pressures, and simultaneously increase students' ability to cope in times of extreme pressure, thereby seeking to prevent the occurrence of mental ill health.

The initiatives qLegal adopt have the dual aims of delivering quality CLE programmes to postgraduate students, and facilitating their personal, professional and emotional development. We equip students with the skills and resilience to adapt to these unprecedented times. Extra care will be taken to provide clear and bounded instructions for students, to develop a structure and routine around the online learning environment. Students will be encouraged to build their own support networks and adopt a peer coaching approach to problem solving. Finally, qLegal will continue to promote the Pandemic as an opportunity for students to demonstrate their adaptability and ability to persevere in the face of adversity.

None of these ideas may, of themselves, seem novel or significant. However, by deploying these ideas consistently throughout the qLegal programmes, it is hoped that students will experience a reduction in the external pressures they face, while simultaneously developing an increasing tolerance to such pressure. As a result, students will be better placed to thrive in the highly demanding legal profession. We would encourage other providers of CLE to consider the ways in which they can also

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encourage their students to thrive within this increasingly uncertain and pressurised environment.

It is also important to remember that these unprecedented times bring uncertainty for everyone. Although the strategies and initiatives discussed in this paper may reflect our current conclusions on the best way forward for delivering CLE to our 2020-2021 cohort, all students offerings should remain flexible and adaptable, being tailored to the specific needs of the students at any given point in time. qLegal will have open channels of communication with students and will welcome feedback on the manner in which they are taught, with offerings constantly reviewed and updated to better suit the present needs of our students. We would encourage other CLE providers to do the same.

THE SILVER LINING IN THE BLACK CLOUD OF COVID-19

Tia Ebarb Matt¹, Natasha Bellinger², Kim McDonald³

Abstract

Little did we imagine that the effects of COVID-19 would ultimately make us a stronger and more accessible clinic. The sudden halt of providing in-person services clouded the entire University of Exeter clinical programme with uncertainty. However, we could not simply stop our clinical provision – we had existing clients that still needed assistance, as well as students who were taking the clinic as a module. Furthermore, we wanted to continue servicing the community. To consider converting to a remote service, there are fundamental questions a university clinical programme must address: Why does the clinic exist? What are the goals of the clinic and can they still be achieved by a remote service? This paper outlines the process of converting our in-person clinic to a remote service, by detailing steps taken such as developing a remote operating student training manual, establishing a new case triage

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system, utilising Zoom sessions, and developing a user focused website. It reflects upon the process of finding effective ways of communicating and collaborating with students and clients, while managing and mitigating the potential barriers to technology. Both the successes and the challenges taught us more about the human connection and the human experience. Ultimately, the lessons learned from a swift shut down to reopening a fully remote clinic made us better organised, better communicators, and more accessible for clients. Once we safely return to in-person meetings, the value gained in providing a remote service will remain embedded in our offering, committing us to a hybrid service of in-person and remote meetings to provide a better service to our clients. For the next academic year, our strengthened service enables us to move seamlessly between a fully remote service and our new hybrid model with minimal disruption, should COVID-19 continue to cast a dark cloud.

Introduction

A relationship of trust between a lawyer and a client is something that is developed through a series of positive interactions. These interactions tend to begin with an in-person meeting. Through this initial meeting the lawyer establishes a rapport, sets the client at ease, and instils confidence in the client of the lawyer's ability to assist the client with their legal problem. Being in-person for the initial meeting means there is a human connection. The client and the lawyer can read each other's body language,

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assess emotions, and respond through a sort of human experience. What happens when the in-person meeting is replaced with a phone call or video on a screen? The dynamics change in such a setting. You can't hand someone a tissue through the screen or the phone.

This report examines the uncertainties faced by the University of Exeter's Community Law Clinic caused by the black cloud of Covid-19. It outlines the trials and tribulations of quickly moving from an in-person service to a fully remote service and the unexpected benefits and lessons learned as a result of this challenging time.

Background

The University of Exeter Law School's Community Law Clinic offers a free legal advice service in the South West region of England. 150 third year law students, supervised by lecturers/legal practitioners and supported by volunteer legal practitioners, provide aid in areas such as immigration, housing, employment, consumer, benefits, and environmental law. Over the last year, the clinic assisted over 200 clients.

In February 2020, the clinic was at a point of needing to expand. The clinic had a strong foundation, but demand was far exceeding resource. We needed more staff and a physical presence in the community. We had secured accommodation in a university building in the city centre and were scheduled to have our opening the first week of

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May 2020. This would allow us to expand our hours and bring in more practitioners to assist. However, late March arrives, the pandemic was peaking, and like the rest of the country, the university went into lockdown. All in-person classes ceased, and campus was closed. Moreover, many future funding projects were put on hold, which included the funding for the space we had secured and the hiring of another solicitor and clinic coordinator. We had ongoing cases coupled with national and international students needing to get home. This necessitated an immediate assessment of our current situation and the viability of our service moving forward.

Our duty of care both for our students and our clients provided us, as a university clinic, with an interesting dynamic. Our main priorities at that time were (1) making sure the students could get home and get settled, and (2) making sure that there was not any detriment to the clients due to our service. Thankfully, we were in a position where we could continue with our current clients and we were able to wrap up those cases swiftly and effectively.

Once we dealt with the immediate concerns, we needed to assess whether our in-person service could effectively be converted to a remote service. A main driver for setting up the clinic was to provide a much-needed community service in an area of dire need. The provision of a consistent service was important to us.

We began the process by asking ourselves several questions: Who are our clients? Was there an alternate provider for these individuals? How did these individuals come to us? The clinic had formed several key partnerships with regional organisations such

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as the judiciary, solicitors' firms, barristers' chambers, and advice charities, which enabled us to provide a more comprehensive approach to services in the region. After an assessment, we realised that most of our clients came to us through referrals from these key partnerships. The referring organisations were either over capacity or couldn't provide legal advice. Our service was invaluable to the local community. We also noted that many of our clients had internet access or at least telephone access. Initially, we may see them in-person, but after this initial contact, most of our communications were electronic. Next, we asked ourselves, if we were to convert to a remote clinic, can we still achieve the same access and same level of assistance? We built strong relationships and good rapport with our clients. We needed to be able to keep that bond and trust with the community.

Our initial questions focused on the clients, but then we needed to ask ourselves would students still benefit from this changed service? We are a university and needed to evaluate the educational needs of our students. In a remote service, would students still gain the skillset and in the in-depth critical thinking and learning obtained from being part of an in-person clinic? Believing more firmly that "[l]earning the law in isolation of the social context in which it operates can be seen as a significant gap in legal education which leaves those emerging into at least the solicitor's branch of the profession inadequately equipped to perform competently as practising lawyers"⁴ it became clear that we needed to continue. Operating a remote clinic during

⁴ Lawyers and Clients: The First Meeting (Modern Law Review, Vol 49, issue 3, May 1986)

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a pandemic, when so many firms and chambers also needed to operate remotely, was an opportunity to give our students a social context to their learning experience.

Next, we set out to determine how a remote clinic would operate. We began with a list of things that we needed: another solicitor, a full-time clinic coordinator, and reliable technology for interviews. The technology must be reliable and accessible for us as supervisors, for our students, and for our clients. One of the key things for our clients' accessibility is that we needed something that was accessible by video or by phone. After hiring a new solicitor and a coordinator, we turned to our documentation. This needed to be updated with our new way of operating. It should incorporate step-by-step instructions of how our new service operated, how to find us and how to connect through the technology. The student training had to be completely revamped with updating all training manuals and techniques. Training to interview on a virtual platform is different than training for an in-person platform. Establishing rapport and trust through the phone or video is a whole new skillset. Even us supervisors had something to learn.

We also knew that if we were going to have clients connecting with us more virtually, then we needed to build a website. A website that was client-focused for clients to come and get practical answers, as well as being able to directly engage with us. We also needed to inform those partners, that usually referred clients to us, of our new service. The referrers needed to know exactly how to refer clients to us and how we would operate so that they could prepare clients for this new type of service.

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The redesign was the easy step. We then held practice training sessions and practiced with the technology to see how it would function. We created training videos for sessions that we would normally deliver live. We even made a training video tour of our case management system. Digitising most of the practical elements of the clinic meant that we could focus on the human connection side in our online client interviewing training. We found quite easily that we were able to convert to a remote clinic almost seamlessly and that was something quite unexpected.

The Conversion

The new remote operating clinic has a very streamlined operating system. Probably, more streamlined than before going remote. Clients come to us through email either directly or through a referral. Once we receive that email, the case is triaged by one of our internal solicitors. This triage is used to determine if this is a case suitable for students. It is still just as imperative that we are taking on cases that are not only beneficial for students but also manageable by students. One immediate benefit of running the remote clinic is that we can put more time and consideration into the triaging of cases compared to what we normally would. Although it is rare for us to reject a client, when we do, we can refer them out to a more tailored referral due to the ability to take time and research who may be able to assist them. Typically, a client would just come into the in-person drop-in clinic without a chance for us to assess the suitability or who might be a good referral for them.

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After triage, we decide whether that case needs to be scheduled for an interview prior to receiving written legal advice, or it might be that someone is only looking for some information that we can give quite quickly through email. Next, we assign students and supervisors, and an appointment is booked on Zoom for those seeking legal advice. If it is a case requiring only information by email, the students will begin working on it immediately. After the virtual appointment, the students proceed with preparing our standard client care documentation, any necessary continued client communication, followed by their research, and finally provide a one-off advice letter advising the client of their legal position and the suggested next steps. Depending on what those next steps are, we may offer to assist the client further. We continue to monitor client and student feedback to ensure that moving to a remote clinic has still allowed us to maintain the high level of client and student satisfaction.

Engaging with a remote clinic is quite different than a client being able to just walk into somewhere and talk to someone and for the students in how they explain things or do things in-person. We found that doing everything remotely was not only working just as efficiently, but in fact, enabled us to expand our service despite not being able to move into the city premises. We were indeed still managing to establish that trust and confidence, it is just a bit harder earned.

Challenges

Moving to a remote service has been a positive experience, however it has not been without its challenges. Managing technological barriers for our clients to ensure they can access the service effectively all while continuing to receive a high standard of service was essential. Moreover, a remote service continues to raise questions with regards to whether the students are able to fully develop their skills and gain the necessary experience of client interviewing and advising ordinarily obtained via the invaluable experience of meeting with clients in-person.

Technology

A major hurdle to overcome with a fully remote service is access for both the clients and the students. Both need adequate internet provision and equipment to be able to participate in online meetings and corresponding solely by e-mail and other remote communications such as Zoom and Microsoft Teams.

Some of the issues we have faced as a clinic when attempting to arrange a meeting with clients are inadequate internet speeds, the lack of a device which can connect to the internet, or indeed no internet at all. In our experience these barriers have been particularly difficult to overcome with elderly clients, clients with disabilities affecting their ability to communicate and otherwise vulnerable clients. We needed to overcome these hurdles to ensure we were able to provide the same level of service to every client.

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It is extremely difficult to remove the barriers to technology for a fully remote service especially in a short timeframe. We used Zoom for our client meetings which most of our clients were able to successfully use with or without their cameras on. Using this platform meant we had the ability to arrange for clients to call into the meeting using a mobile phone or landline without the need to connect to the internet. Clients asking for straightforward advice often asked for advice by e-mail only with no meeting. This meant all communication was by e-mail, which we were happy to provide in cases where this was appropriate. In deciding which cases were appropriate for email communication only, we considered whether it would affect the level of service, the complexity of the issues involved and the type of assistance the client was seeking. This has gone some way to alleviate access issues, but some clients will always prefer an in-person meeting and will not feel comfortable having a meeting in any other form.

We were fortunate that all students on the clinic had access to the necessary technology allowing them to easily transition to remote working along with the supervisors. We also always have students working in pairs, so if one loses internet connection or is having issues, the other can take over. We purchased a clinic mobile phone to enable our coordinator to safely make calls to clients and protect her privacy. We once had a client lose internet connection and a supervisor was able to call the client by phone using the country's 141 option which hides someone's phone number and put the call on speaker next to the computer so that the students and the client

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could still hear each other. A remote service means needing to be creative and adaptive.

As a clinic we were of course concerned about data protection and internet security with all meetings being on-line and we had to quickly decide the best forum for meetings taking into consideration our duty of confidentiality towards the client and duty of care to the students. We were already obliged to and did follow the university's procedures and practices. Our case management system could already be accessed remotely by the students, but we reviewed and reorganised our files to ensure that both accessibility and confidentiality could be maintained as far as possible. Upholding our regulatory duties in such times is paramount.

Client and student relations

We know as practitioners how important it is to build a rapport with a client when you meet with them. This builds trust and confidence in your ability as an adviser and enables the development of a successful professional relationship between client and lawyer. Whilst our students are not legal professionals, we always instil in them the need to remain professional. This can be something much harder to achieve in a remote setting where informality can creep in or participants can accidentally speak over one another and there is a risk the human connection can be lost. Our students interview in pairs and so we recognised that it is much harder for them to communicate with each other in order to manage the interview. We covered these

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issues as part of our training prior to re-opening the clinic as a remote service. Always having one person to keep that human experience going is crucial.

A remote service also throws up problems with being able to read body language and picking up on subtle cues. It is more difficult to react to the client and gauge their emotions when you are not in the same room. Again, it is difficult to build rapport and develop trust when you are not in the same room and able to look the client in the eye. The fear for us as supervisors is that the students are not gaining experience at the same level of human connection with the client. Video calls go some way to help with better reading a client, but this is not an option for everyone. Regular checking in and reframing issues for the client through more frequent email communications enabled students to attempt to gauge where their client was at with a dispute. Time often needed to be given to some clients who became upset and students were encouraged to demonstrate empathy with the client's predicament as well as empathy with the COVID-19 situation where this too had had an impact on the client's wellbeing.

In addition to the physical barriers to technology, our experience was that many clients were not confident in using an on-line platform such as Zoom and many have struggled to follow the instructions to access meetings. This added an extra layer of stress and anxiety for many clients and an extra issue to worry about in addition to their legal case for which they had come to us for assistance. We ensured that instructions were sent out to clients in good time, we were relaxed and reassuring

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about any missed or late-starting appointments, and we had our intern on hand at the beginning of meetings in case a client needed help joining an online meeting. We developed and regularly reviewed our instructions to ensure they kept up with any changes made by the provider or the University to accessing Zoom calls (such as having to have a registered account) and we did our best to accommodate any alternative means if the technology we were using was not working.

A serious worry for the clinic supervisors was and continues to be that students may feel less supported during client meetings and through their research and writing their advice to clients when all contact is remote. The usual practice as detailed above was for supervisors to be in the room when students met with clients meaning students could quickly ask questions of the supervisors and the supervisors could pick up on the body language of the students to ascertain if there were any problems or questions arising. There is the ability on the remote meetings on Zoom to enter into a private chat with the students if issues arise but this risks interrupting the student's concentration which can leave them feeling flustered and can affect their confidence during a remote meeting. In addition, students are not having the in-person contact with their peers and supervisors. They may feel less able to bounce ideas off each other and there is the real risk that students may start to feel isolated working remotely. We regularly check in with our students and encourage them to virtually meet with their group and us as supervisors to discuss cases. We give open and constructive feedback

to them, whilst praising them for their efforts under the difficult circumstances which they have had to work.

Another problem the clinic faces is that we cannot see who is in the room with the client and often a client does not turn on their video function during a Zoom. This means there is no way of knowing who is present with the client which raises the question of who is listening to the meeting and the advisers cannot tell if there is any issue of undue influence or duress. Although the clinic does not record meetings this does of course not mean that clients are not recording the meeting on a separate device, which we have no control over. This does raise the question of liability on what is said. However, we already mitigate this through our established practice of the students only providing advice in writing after the meeting as this is also a challenge in an in-person meeting should a client later say they were given incorrect advice. It is nonetheless still a point that needs to be considered together with the potential impact this has on our duty of care to our students and our clients.

Together with the issue of who may be present with the client there is also the issue of the student's environment when they are taking part in a remote meeting. Students may be in shared houses or be living with younger siblings at home which may not be conducive to providing an ideal environment allowing the student to concentrate on the meeting. We emphasise to our students that it is important they take client meetings in rooms where they cannot be overheard to ensure confidentiality is maintained.

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Student Learning and Development

As supervisors and university lecturers a big question for us is whether running a fully remote clinic provides students with the best opportunity to learn. We were concerned about whether students would get the same experience that in-person interactions with clients provide and whether their development of client interviewing skills would be limited. Coupled with this, the limited ways to communicate with their peers and supervisors has changed the way students are taught. All this raises the question as to whether the students are feeling supported and confident in their work and has an impact on us building rapport with our students, which is more of a challenge. We offer students drop-in Zoom meetings to discuss any concerns or issues and we seek to regularly check in with them. It is however much harder to gauge and obtain engagement remotely but through regular training sessions and the provision of a variety of opportunities to engage, we hope this support mirrors an in-person meeting with us. The need for a human experience and connection is vital in a student to teacher relationship, as well. We have found that many students are more open about what they are struggling with over email than in-person, but we recognise each student is different and that some may struggle to approach us in a remote setting.

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Benefits

Despite the numerous challenges we faced in moving to a fully remote service, there are many benefits, some of which are quite surprising and many that we would seek to carry forward in a hybrid service.

Accessibility

Now that the clinic offers a remote service, we have been able to reach clients that would not have attended an in-person meeting. This could be for a variety of reasons including anxiety and physical practicalities.

Remote working results in less travel by the clients, students and supervisors reducing the carbon footprint of the clinic. No travel saves time for all parties and eliminates the risk of clients being late to appointments or not showing altogether due to traffic or other travel issues.

Student Learning and Flexibility

On-line meetings allow for flexibility. The clinic can offer a range of times and dates compared to the former more rigid appointment times. Additionally, remote communication with students provides for more flexibility and greater availability of supervisors. Both new arrangements make us more accessible to students to support them and encourage their development, while meeting clients' needs.

When you develop such things as social presence and supportive discourse, research has shown that on-line learning produces just as good results as in-person learning.⁵

We believe we have done this with our frequent communication and increased availability. Turning most of our training into videos allows students to revisit and refresh, as needed. However, this presence and discourse does not necessarily consider the developing of the less conventional skill of interviewing and dealing with clients. This is a skill that needs to be nurtured overtime and an in-person meeting is always going to be needed to perfect it. Creating our online clinic community enables us to provide for the flexibility of this service and the changing needs of our students, as well, as our clients. In many ways, it allows us to keep trying to get it right.

Now more than ever, it is important that we maintain our standard reflective piece as a form of assessment for our students to maintain that supportive discourse and presence. In Brayne, Duncan and Grimes, learning from experience “occurs not in the doing but in the reflection and conceptualisation that takes place during and after the event.”⁶ This reflection impacts the way students learn from what they are doing and ultimately, we gain the critical thinkers we set out to make. The lack of in-person time cannot be compensated by reflection only, but the reflection can give students the opportunity to understand the needs and differences in the approaches. Once they can

5 Swan, K., Garrison, D. R., & Richardson, J. C. (2009). A constructivist approach to online learning: The Community of Inquiry framework. In C. R. Payne (Ed.), *Information technology and constructivism in higher education: Progressive learning frameworks*. Hershey, PA: IGI Global, 43–57.

6 Brayne, H., Duncan, N. & Grimes, R. (1998) *Clinical Legal Education: Active Learning in Your Law School* (London, Blackstone Press Ltd).

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go back to in-person meetings, they will be able to take the lessons of remote operating with them to make them even better lawyers.

Another extremely important part of the clinic is ensuring the safety of students and applying a strict risk assessment. Meeting clients on-line and not in-person does significantly reduce the risk of potential harm to students. In addition, if the clinic experiences a difficult client, the meeting can easily be terminated by the supervisor or student, which is not so simple at an in-person meeting.

Adaptability

Now that the clinic has successfully moved to remote working, if another full lock down is imposed due to Covid-19 or another problem arises where in-person meetings are not possible, the clinic is fully prepared to continue to provide a high level of service with no interruption ensuring the continuation and longevity of the clinic. For our students, we realised that creating independent learners at the same time as critical thinkers is a challenge. We continue to challenge the students, with minimal guidance from ourselves, to find the information that they need. As we tell them, “be comfortable with the unexpected”.⁷ We can guide them to feel comfortable with the challenge of their newly required independence. They are gaining the valued skill of being capable to adapt quickly.

⁷ Balachandra, L. et al., ‘Improvisation and Negotiation: Expecting the Unexpected’ (2005) *Negotiation Journal* 415

Going forward

We discussed the challenges and benefits of a clinic offering a fully remote service compared to an in-person service. Going forward we now can offer both an in-person and a remote service to cover all needs and practicalities. Such a hybrid service will allow the clinic to overcome the hurdles and barriers to technology we have experienced with a solely remote clinic and take advantage of the benefits of both a remote and in-person service. The new hybrid service will benefit the community since it offers greater accessibility to our services and should the necessity arise to go fully remote, the clinic is fully prepared to continue to seamlessly provide, without interruption, a high level of service.

This new way of working will also enhance the University of Exeter School of Law clinic module and provide greater opportunity for students to be able to develop their practical skills using different forums and technologies and broaden their understanding and experience. They now have the skills of operating a remote clinic to take forward with them to firms and chambers. These skills will no doubt be desirable for future employers in the legal sector.

Conclusion

Remote working was thrust upon us as a clinic. The experience showed us how vitally important the human connection is between client and lawyer and teacher and

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student. Although, we have navigated ways to attempt to alleviate the loss of the in-person human connection, through technology and frequent communication, there is a real risk that a fully remote service will never be able to replicate the level of human connection as an in-person service.

The uncertain effects that the dark cloud of COVID-19 cast on our clinic ultimately made us a stronger and more accessible clinic. Our shared human experience of the pandemic meant we all needed to find ways to adapt. For the clinic, our silver lining was recognising our ability to adapt, reflect, and take forward the newly presented opportunities. Ultimately, we remembered, virtually or in-person, we all want to be heard and to have a chance to tell our story. That is the real human connection.

ROYAL HOLLOWAY, UNIVERSITY OF LONDON AND THE AFGHANISTAN
AND CENTRAL ASIAN ASSOCIATION: NEW PARTNERSHIPS AND
CHALLENGES DURING COVID-19 IN THE CLINICAL LEGAL WORLD

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Abstract

In January 2020, Royal Holloway, University of London set up a new Legal Advice Centre offering free legal advice to the local community, including building upon key partnerships to address unmet legal needs. This practice-paper discusses Royal Holloway's Legal Advice Centre (LAC) and the Afghanistan and Central Asian Association's (ACCA) collaborative approach and response to the global pandemic since March 2020. It will highlight the unprecedented challenges that they have faced, and their efforts to overcome them. In addition, the paper will discuss their research project, which provides Royal Holloway's student volunteers with the opportunity to gain unique multidisciplinary understandings of the effect of the pandemic in

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Afghanistan, and a chance to put their legal skills into practice by producing legal information to support local users of both Royal Holloway's LAC and the Law Clinic at the ACAA.

This practice-paper includes a road map to Royal Holloway's long-term goal, namely, to work with ACAA to research the legal vulnerabilities of women in Afghanistan, with the aid of a research grant supporting international collaboration. Recent reports highlight that lockdown and quarantine measures will have a long-term impact on the basic rights and freedoms of Afghan women, who already face hardship.

Introduction

Royal Holloway, University of London's LAC was set up from scratch by its current Director and it opened its doors to the public in January 2020 for a three-month pilot phase. The LAC offered a mixture of both on-campus and remote services. The location of the campus was a potential barrier to some clients, and so the LAC wanted to have some flexibility by offering telephone conferences. The telephone conferences that were scheduled took place on campus. During the last week of the LAC's advertised sessions, the Government announced the Covid-19 lockdown restrictions in response to the current global pandemic.

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The LAC had clients booked-in, was unequipped to deal with off-campus telephone conferences, and had clients who lacked access to smartphones. As a result, the LAC resorted to the basics of using a mobile phone to call the clients. Whilst the last session went relatively smoothly, there was an absence of the student advisers involved, and so there would need to be innovative solutions and adaptations to the clinical programme to remedy this. With Royal Holloway's alternative assessments being written for external approval and other online teaching commitments, the LAC was somewhat isolated. The LAC closed its doors for the student examination period and decided to offer to students, who could not take part in the last session, an opportunity to take part in a summer vacation placement. Part of the summer scheme involved a collaboration with the ACAA. The ACAA continued to operate during the height of Covid-19, and this practice-paper will explore the challenges and needs that their users faced. Royal Holloway's LAC students are working on a joint project that aims to address some of these unmet needs.

1. Royal Holloway's LAC Summer Placement

1.1 Legal Clinics

During the LAC's summer placement, in addition to running sessions for members of the public, limited to family law, they carried out a pilot phase for a new clinic, called

the HMP Coldingley Law Clinic⁵. The LAC recognised the need for prisoners to seek family law advice, particularly around issues of child contact and the challenges that Covid-19 amplified. The biggest challenge for the LAC was to ensure that their remote sessions did not affect the quality. Clinics such as this provide for the continuation of advice to those in need, as well as forming new partnerships and strengthen existing relationships which may provide resilience for future lockdowns. By expanding the breadth of the LAC's practice to incorporate existing contacts and partnerships that staff at Royal Holloway have generated over the years, they can improve the stature of the department while providing more options for LAC students.

1.2 Technology

After having time to reflect on the sudden closure of their main Legal Advice Clinic, the LAC at Royal Holloway spent time thinking and liaising with their College's IT department about how they could best implement a service that enabled all users free access and that was secure and safe to use. The initial suggestion was Microsoft Teams as this was an approved method of communication for learning. Although Teams appeared to be most suitable for internal use, or where others had accessibility to download the appropriate software the LAC encountered difficulties. For example,

⁵ This is a partnership between Royal Holloway's Legal Advice Centre, Creighton and Partners and HMP Coldingley/The Forward Trust.

where clients did not have access to smartphones or email, this was an ineffective way to communicate. In addition, the College had limited capacity to make 'external' calls.

The LAC then tried Skype for Business. They quickly realised that whilst all staff and student advisers could connect, if they wanted to add a facility to call out to clients without smartphones, and that was toll free, they needed a subscription. This was not possible to do through the College-based account. The LAC entered into a discussion with the College's Audio Visuals team who suggested a telephone conference facility that allows all users to dial in, or alternatively the LAC could dial out to multiple people toll-free. Whilst this appeared to be a simple but effective option, the cost was extensive, and so the LAC decided to open a College account ready for use as a last resort.

Finally, the LAC decided to use Skype (non-business). To test the function, they created a new dedicated LAC account. The LAC added 'credit' and did a few dry runs. The problems they encountered were that their student volunteers could not join the Skype session using their Skype-Business accounts. They therefore had to join each session as 'guests'. After seeking confirmation from the College's IT and data protection teams that they could proceed with this, the LAC decided to use this method to communicate with all clients and ordered a subscription service. The service is free for everyone to use. The student volunteers and Supervisor could connect via Skype and then 'phoned' the clients.

1.3 Simulated practice: preparing for our new virtual world

To fully prepare the student advisers to deal with the new online procedure, the LAC carried out simulated exercises using their new Skype account. The Director of the LAC implemented role-play for the fact-finding interview. The feedback provided by the LAC Director demonstrated that allowing the student advisers to practice increased their confidence in carrying these out online, which achieved the learning outcome of the activity. Whilst it is acknowledged that some simulations are “not a substitute for live-client interactions”⁶, the students were fully engaged in this activity and it provoked an effective response.⁷

During the LAC’s live-client sessions, they found the use of Skype to Phone relatively easy to use. The LAC encountered no real issues, and the connectivity and quality of the calls remained good. The LAC, by trial and error, learned that “[t]he big game changer is the power of technology to pull back the curtain of mystique”⁸. The LAC have remote case management software, and the ‘virtual’ office element was already

6 Weigold, U.H, ‘The Attorney-Client Privilege as an Obstacle to the Professional and Ethical Development of Law Students’ (2006) 33 (3) *Pepperdine Law Review*, pp 676-722 at 691

7 Grimes, R. and Gibbons, J, ‘Assessing experiential learning – us, them and the others’ (2016) 23(1) *International Journal of Clinical Legal Education*, available at https://pure.york.ac.uk/portal/files/44272535/492_1472_1_PB.pdf (last accessed 23.9.20).

8 Langan, M., (June 2013) in ‘Legal innovation 2013 - New developments in an old profession’, Baker Tilly publications cited in Thanaraj, A & Sales, M, ‘Lawyering in a digital age: A practice report introducing the virtual law clinic at Cumbria’ (2015) 22(3), *International Journal of Clinical Legal Education*, available at: <https://www.northumbriajournals.co.uk/index.php/ijcle/article/view/471/863> (last accessed 30.9.20).

in place, using Intralinks and Clio. This also enabled their student volunteers to participate effectively.⁹

The student volunteers still found the experience of providing advice virtually rewarding and it gave them a chance to gain practical legal experience during a challenging time when most vacation placements were either cancelled or postponed due to Covid-19. The services also assisted the LAC's users during a time of uncertainty and stress.

2. The Afghanistan and Central Asian Association (ACAA)

2.1 Background

In addition to the above, Royal Holloway collaborated with the Afghanistan & Central Asian Association (ACAA). The ACAA supports and promotes the social and economic integration of the increasing number of Afghan and other central Asian refugees arriving in London. The ACAA use a community development ethos to support the development of their potential within a mutually supportive framework and work with a wide range of partners to reach vulnerable and isolated individuals and families. The ACAA's core services include:

⁹ McCrimmon, Vickers, R, Parish, K, 'Online Clinical Legal Education: Challenging the traditional model', (2016) 23(5), *International Journal of Clinical Legal Education*, available at: <https://www.northumbriajournals.co.uk/index.php/ijcle/article/view/565> (last accessed 30.9.20).

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- Education, training and development opportunities: ESOL (English for Speakers of Other Languages) for Integration, Supplementary Schools, British citizenship test preparation, business and employment advice and support
- Women's outreach and women-only projects: empowerment, development, advice and support
- Legal and advice clinics with OISC accreditation, using volunteers and pro bono solicitors, focusing mainly on immigration, housing, business and employment issues
- Social and cultural activities and events promoting community cohesion, music and fitness, volunteering

All of these are underpinned by a dedicated team of paid staff and volunteers offering mentoring, support, assistance, translation and interpretation where needed. The ACAA's grassroots and frontline services and activities are vital in supporting vulnerable refugees and migrants in some of the most disadvantaged areas of London to improve their wellbeing, independence, aspirations and integration. The ACAA aim to break down language and cultural barriers and give their community a voice. The ACAA's work resulted in being awarded the Queen's Award for Voluntary Services in 2018.

The ACAA works primarily within the Afghan, Syrian and central Asian communities in London - specifically in Hounslow (where their main centre is based); Lewisham

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(where they started), Croydon, Merton, Greenwich, Epsom, Hillingdon, Brent and Ealing, Wiltshire, Leicestershire, Berkshire, Cambridge, Doncaster, Mansfield, Worcestershire, Staffordshire, Kent, East London, Newham, Staffordshire, Sutton, Brighton and Hove, Southwark, Birmingham and Wales - where they have outreach operations and particular projects. The ACAA provide services and activities for all ages but are primarily focused on working age adults, families, and children. Recently, ACAA has been trialling telephone support for refugees and recent arrivals in five areas outside London.

Across the services and activities ACAA now reaches over 10,000 people annually, with around 5000 accessing direct support. Approximately 75% of their service users are refugees and recent arrivals into the UK, and the rest are predominantly Muslim BAME people of Afghan, central Asian, south Asian and Middle Eastern heritage. The ACAA provides services to some specific vulnerable groups – children and young people, women, the elderly and recent migrants of all ages seeking support to learn English and understand UK systems. In 2018-19 the ACAA provided ESOL to 450 people, 300 children attended their Supplementary Schools, and 250 women attended a weekly women's project. The ACAA's social media platforms extend their reach across the UK and almost doubles their audience.

2.2 Impact of Covid-19 on the ACAA

During the Covid-19 pandemic, ACAA shifted its regular London-focused enquiry and support service to online and phone only to comply with social distancing. The ACAA closed their premises for an indeterminate length of time and suspended delivery of their main face-to-face services across London. However, they found that numbers of people were attending their office in person because they are finding it difficult to understand and observe social distancing rules; the ACAA have agreed to see these people if there is an advisor available.

Enquiries for support and advice have surged; they are receiving around 30 calls per day from vulnerable, elderly, sick and disabled people. They are still supporting victims of domestic violence and asylum seekers on a range of topics including support with citizenship applications, Universal Credit, financial issues, tenancy support and domestic violence. Issues often centre on language and cultural barriers. They provide a vital translation and interpretation service particularly for recent arrivals with very limited English. Enquiries coming to the ACAA are driven by misunderstandings, different cultural expectations, and a mistrust of public services.

The ACAA's capacity to respond has substantially reduced as staff and volunteers self-isolate or have been furloughed; some because they are unable to provide their usual services and some to reduce costs. During the height of the lockdown restrictions, the ACAA were having to turn people away, which raised concerns about

the negative impact for community members and the possible reputational risks to the organisation. The shift to online and phone support has now highlighted weaknesses in their IT and phone systems and they have identified training and equipment needs for volunteers and staff in order to operate a satisfactory remote service.

In September last year they took on a 10-year lease on a two-storey building in Feltham, west London, which they are developing as a multi-use community centre. The ACAA has been using its facilities, particularly a ground-floor hall, community kitchen and spare offices to host events, other small local organisations and activities generating a steady and secure unrestricted income source to meet gaps in other grant funding for services. Since the lockdown was announced in March, the ACAA has had to close their premises causing a significant fall in income and resultant risk in their ability to cover their own rental bill. The ACAA believe the closure of their building is costing around £20,000 per month. The ACAA has also had to cancel a number of external events, such as their flagship annual Refugee Week Summer Festival in June, an event that has generated up to £16,000 in previous years.

2.3 Impact of Covid-19 on the people ACAA supports

Refugees and migrants from Afghanistan, and central Asian countries are a small but growing community and comparatively new to the UK. Ongoing conflicts in the countries of origin often result in trauma and health issues affecting settlement and

integration in the UK. They are one of the most vulnerable communities in the UK. Support networks and organisations are few and relatively underdeveloped.

Even before the lockdown, refugee communities experienced a range of issues of which language and cultural barriers and a lack of access to mainstream services are the most important. Many experience poverty, loneliness, social isolation, hate crime, and some may risk radicalisation. Resulting from the trauma of experiencing conflict in their countries of origin and displacement, many of ACAA's service users suffer with mental health problems and lack a sense of identity and belonging. A high proportion of Afghan and Central Asian immigrants to the UK (refugees and migrants) are self-employed (e.g. as taxi drivers) or work in low-paid long-hours sectors such as catering, hospitality, and small retail. Patriarchal attitudes mean that women rarely socialise outside the family and some are actively prevented from going out alone or into mixed sex environments. Many women face barriers to accessing services due to the multiple disadvantages of poor English language skills, lack of literacy in their home languages and hence in English and having the men of their families speaking for them.

Many people are low paid, work in the 'gig' economy or are self-employed. Many work at Heathrow Airport or for businesses that serve the airport and they are being affected by the reduction of activity at the airport. Many operate micro-businesses with turnovers below the thresholds for Government intervention. The ACAA report that around 80% of their service users suffer from mental ill health. Social distancing

and self-isolation measures have therefore had a huge impact on many families reliant on these low and intermittent incomes. Children are now isolated at home with parents struggling with home schooling, lack of facilities and in poor housing stock. Many people have been furloughed or laid off and many are now finding themselves having to apply for Universal Credit. ACAA is already aware that social isolation and distancing puts pressures on households and causes an increase in domestic violence. Many are experiencing exacerbated mental health issues due to loss of jobs, emotional stress, loneliness, and bereavement of relatives and friends. Many users of the ACAA are frightened of the impact of the disease itself especially given that over a third of COVID-19 deaths are amongst BAME communities across the UK.

ACAA has found that public information circulates in English, which is not the first language of clients, which leads to confusion and uncertainty. Many community members rely on Afghan media which focuses on the situation in Afghanistan not the UK. Poverty, poor literacy (in mother tongue and English) and poor oral English language skills mean there is no real digital alternative, which leads to further isolation and barriers to accessing services. Consequently, many community members do not access information in mainstream ways and can be misled by misinformation, misunderstanding online information, and relying on hearsay. Community members are reliant on community organisations such as ACAA for accurate and timely information and advice. Afghan and Central Asian communities are hard to reach for mainstream and statutory service providers and ACAA are the only Afghan charity

operating in West London supporting some of the most vulnerable communities in the city.

3. The power of public legal education: Collaborative project

In these uncertain times, and with limited resources, the LAC at Royal Holloway and ACAA are working together on a project, which formed part of the summer vacation placements. The aim of this project is to increase access to both users of the LAC at Royal Holloway and ACAA to legal information and guidance, that is presented in a way that deals specifically with COVID-19 related legal issues. Both the ACAA and LAC at Royal Holloway wanted to empower their users by creating ‘accessible’ information to help them assert their rights.¹⁰

With COVID-19 social distancing and self-isolation measures now in place, the student volunteers at Royal Holloway’s first mission was to research and produce legal and rights-based factsheets.

The following areas of law were selected as the main areas of concern:

¹⁰ See newsletters as an example at the Student Law Office at Northumbria University: Bengtsson, L. ‘Client Newsletters within Clinical Legal Education and their value to the student participants’, (2020) 27(2), *International Journal of Clinical Legal Education* – available at: <https://www.northumbriajournals.co.uk/index.php/ijcle/issue/view/90>

(last accessed 28.9.20).

- Employment (e.g. those affected by furlough and Universal Credit)
- Social isolation and domestic abuse
- Housing vulnerabilities

In addition, the student volunteers at Royal Holloway's LAC, together with the ACAA are looking into how legal factsheets can be used to improve the transformation of the online space and resilience among their users. The student volunteers will work with external practitioners who will provide pro bono support. The collective aim is to provide accurate and timely information and advice, which is free from legal jargon.¹¹

The student volunteers have been engaged in research on a variety of issues while recognising the vital need for Afghan and central Asian communities to have accessible information. For instance, Charlotte Cowdery (LLB Law) has been researching housing issues for homeowners, landlords and tenants and appreciates how these communities are disproportionately affected by the pandemic. Aliyah Spacey-Smith (LLB Law) has been focusing on domestic abuse and how cases have risen during the pandemic and a variety of helplines for victims to access. Aliyah notes "[t]here are further difficulties for people in minority groups, such as those from Afghanistan and Central Asia, in accessing the help they need due to language

¹¹ Roper, V. 'Blogs as a Teaching Tool and Method of Public Legal Education: A Case Study' (2018) 2(1), *International Journal of Public Legal Education* available at: <https://www.northumbriajournals.co.uk/index.php/ijple/article/view/707> (last accessed 30.9.30).

barriers and lack of knowledge on their rights in the UK, therefore it is important to provide these leaflets in order to help them access relevant services.”

Student volunteers are developing deeper understandings of the inequalities and hardships faced by minorities in the UK which will be invaluable for when they graduate and begin their careers. In addition, the student volunteers are from various disciplines of study, and thereby have an opportunity to learn from each other as they draw on their conclusions together:¹²

“This research has allowed me to delve deeper into the financial consequences of the pandemic in England and has developed my understanding of not just the basic economic impacts of Covid-19, such as job losses, but also how this has led to greater struggle in the lives of the public. These struggles causing devastation specifically within the refugee population within England, a group that society seems to massively overlook when it considers those most effected by the pandemic.” Jasmine Urry (BSc Sociology and Criminology).

“I’m currently in the process of investigating the mental health implications for the Afghan community during the global pandemic. Prior to Covid-19, this minority have faced hardship when dealing with mental health; often excluded from their local

12 Hyams, R. and Sadique, D, ‘The Value of Incidental Learning in a Multidisciplinary Setting’ (2014) 20(1) International Journal of Clinical Legal Education, Vol 20 (1). Available at: <https://www.northumbriajournals.co.uk/index.php/ijcle/article/view/16> (last accessed 30.9.20).

communities, victims of racism and xenophobia mean they're more likely to suffer from anxiety and PTSD. Unfortunately, the pandemic has only served to exacerbate these experiences and research indicates that little is being done nationally to ease these struggles. This has been particularly eye-opening and frustrating to research as minority demographics within the UK are so frequently side-lined and their struggles ignored." Rosie Cannon (BSc Sociology and Criminology).

"I have been responsible for looking into the effects coronavirus has had on the psychological and societal resilience of the Afghan and Central Asian community. So far, the area has been very interesting to research as psychologists have scrambled to identify factors that may be affected by the current pandemic, which has produced some fascinating papers. I hope to be able to use this present research to formulate a useful insight into the effect the coronavirus is having on this community." Will Rawson (MSc Forensic Psychology).

The student volunteers are investigating topics not typically covered in their modules and issues that are experienced differently by minorities compared to some other LAC service users. This gives the student volunteers a unique opportunity to both enhance their studies, engage with an organisation such as ACAA, and improve their understanding of the law in the 'real world'.¹³

13 McNamara, J. and Campbell, C., 'Community Projects: Extending the Community Lawyering Model' (2014) 21(2) International Journal of Clinical Legal Education, Vol 21(2). Available at: <https://www.northumbriajournals.co.uk/index.php/ijcle/article/view/385> (last accessed 30.9.30).

Student volunteers are also looking at the effects COVID-19 is having in Afghanistan. In particular, the student volunteers are focusing on how this global pandemic is impacting women's access to rights in Afghanistan, including disabled women, as well as others with disabilities. Recent reports have suggested that lockdown and quarantine measures will have a long-term impact on the basic rights and freedoms of Afghan women, who already face hardship. The recent Oxfam Briefing Note¹⁴ highlights that Covid-19 is "exacerbating the inequalities Afghan women face", and that it is vital that responses are adapted to deal with the implications this outbreak has for women. As the project progresses the LAC intends to work more closely with the ACAA's partners in Afghanistan.

3.1 ACAA's Citizens' Advice Centres in Kabul and Pul-e Khumri

In 2013, two Citizens' Advice Centres were funded in Kabul and Pul-e Khumri by the UK government (DFID) for three years starting in July 2013. They opened in September 2013 and aimed to give free, impartial legal and other advice to the most

14 A New Scourge to Afghan Women: Covid-19, Oxfam Briefing Note, available at: https://oi-files-cng-prod.s3.amazonaws.com/asia.oxfam.org/s3fs-public/file_attachments/COVID%2019.%20A%20New%20Scourge%20to%20Afghan%20Women_OXFAM.pdf (last accessed 23.9.20); Afghanistan Coronavirus Socio-Economic Impact Assessment (July 2020), United Nations development Programme, available at: <file:///C:/Users/Nicola/Downloads/UNDP-socio-economic%20impact%20assessment-afghanistan-Brief2.pdf> (last accessed 23.9.20).

vulnerable people in Afghan society in order to help them improve their quality of life, access their rights and help them escape poverty.

Over the three years of the project until July 2016, over 7,500 people used the Centres' services including 2,000 people who received individual legal advice. The biggest single issue that they were asked for advice about was domestic violence, followed by unemployment, divorce, poverty and murder. 28% of cases were related to family problems, 16% concerned poverty, health and other social issues, whilst 15% were criminal cases. Over the three-year period 65% of clients were women, 56% were illiterate, and 79% were unemployed. Numbers of women, illiterate and unemployed people using the services increased every year reflecting both their success in reaching out to these groups and the worsening situation for employment for many Afghan citizens.

An example case was that of 'Gulmay'. Gulmay had been a widow for more than three years. Her daughter's uncle was planning to get Gulmay's daughter married by force to a man who was 10 years older than her. The girl was completely opposed to the plan. Gulmay and her daughter came to the Citizens' Advice Centre in Kabul for help. The adviser informed Gulmay that marriage is something that can only be carried out if the person consents to be married; forced marriage is illegal. The adviser also told the girl to bring her uncle and other family members to the office so that the adviser could act as a mediator, first to convince her uncle that forced marriage is illegal and, therefore, not a possible option. The adviser told her that if the uncle was still

unwilling to change his mind, he would be introduced to the attorney general at the Ministry of Women's Affairs and would face legal implications. Following the consultation, the case was resolved, and all parties agreed to cancel the marriage plan because of the illegality of the matter.

The centres ran family mediation services by themselves or with local elders and took cases to court where settlement was not possible. The centres also referred clients to other non-governmental organisations, the local authorities, ministries, and health services, where specialist services were available. The centres were partnered with the Ministry of Women's Affairs as well as with the Ministry of Refugees and Repatriation. The centres were members of the Afghan Women's Network, the Afghan Civil Society Forum and worked with over 50 organisations for referrals for specialist advice.

Over 90% of mediation cases were resolved successfully, as were 60% of the cases in court. 20% of court cases were unsuccessful and 20% of court cases experienced long delays. Over 7,500 people attended outreach sessions. Sessions were run on rights (women's rights, disabled peoples' rights, widows' rights, rights for returning refugees and IDPs [internally displaced people]); promoting education for girls and boys; health (maternal health, nutrition, diabetes, depression, winter health checks for IDPs, sports); and the environment.

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ACAA received a small grant to extend outreach to women's prisons from the Evans Cornish Foundation. This meant an extra female lawyer working in each centre to increase the capacity to visit prisons and help women there understand their cases and rights, many of whom were imprisoned with their children due to so-called 'moral crimes'.¹⁵

Based on ACAA's experiences in providing legal advice in Afghanistan there is certainly a need for accessible and free legal advice in many areas of law. However, contracting funding environments could limit ACAA's future effectiveness internationally. By working with the LAC at Royal Holloway, ACAA has access to student volunteers and supervising solicitors who can provide free advice on programme development. Future projects will consider what other contributions the LAC can make to ACAA's activities in Afghanistan.

3.2 Future work

Royal Holloway and the ACAA will continue to work together to provide free legal support to those whose needs are often unmet in the community. With the aid of a research grant supporting international collaboration, the long-term goal of the ACAA and Royal Holloway is to set up a Legal Advice Centre in Afghanistan that provides free legal advice and support to women and those with disabilities. They hope that

¹⁵ See Reports: <https://acaa.org.uk/reports/>

<https://s3-eu-west-1.amazonaws.com/acaa-uploads2/Afghanistan+Work+.pdf>

the literature review and research that is currently being undertaken will help identify the most pressing issues that need addressing amongst these community groups so that legal provisions can be set up. The recommendations set out in the Oxfam Briefing Note¹⁶ highlight the need for gender-based violence responses and programming, as well as providing safe spaces for women and girls at risk. In addition, a key recommendation is:

“Direct funding must be accessible to subnational and local organisations, especially women’s rights organisations. UN agencies and INGOs should use existing mechanisms that reach local and national partners to flexibly channel international funding, ensuring that local partners are designing and delivering assistance and support that is most suited to their communities right now. This especially concerns gender-focused funding, as less than 1% of gender-focused funding goes to women’s rights organizations globally.”

The United Nations Sustainable Development Goals and the UK’s Global Challenges Research Fund (GCRF) repeatedly highlight priority is to be given to alleviate disadvantages experienced by women, to empower women, and help realise gender equality and gender justice.¹⁷ Royal Holloway and ACAA hope that a legal advice

16 A New Scourge to Afghan Women: Covid-19, Oxfam Briefing Note, available at: https://oi-files-cng-prod.s3.amazonaws.com/asia.oxfam.org/s3fs-public/file_attachments/COVID%2019.%20A%20New%20Scourge%20to%20Afghan%20Women_OXFAM.pdf (last accessed 23.9.20)

17 See <https://sdgs.un.org/goals/goal5>. See also <https://www.ukri.org/our-work/collaborating-internationally/global-challenges-research-fund/>

centre that replicates, builds on, and develops the services ACAA set up in 2013 will provide a 'gender sensitive' space to protect the legal rights and safety of women in Afghanistan.

In early September, Royal Holloway and ACAA successfully applied and were selected to host a Being Human café as part of the Being Human: a Festival of Humanities programme organised and set up annually by the School of Advanced Study, University of London and funded through the Arts and Humanities Research Council and the British Academy. The café "Afghan Women Small Spaces Café: Sewing Pathways to Human Rights" will take place in ACAA's community hub, by phone and on Zoom. Meeting over Afghan tea and cake during English and sewing classes, Afghan diaspora women and researchers will use mixed participatory methods including artwork, sewing and conversation to explore what everyday habits and material objects tell us about ourselves and each other. These and other particular culturally specific lived experiences will be connected to human rights law's purpose of ensuring universal dignity, equality and rights. This is one example of a short-term project that will contribute to the wider goal of pursuing funding to both the Afghan and central Asian community in the UK and communities in Afghanistan.

4. Conclusion

Both Royal Holloway's LAC and ACAA have found that Covid-19 has magnified pre-existing inequalities amongst its users and its services. Covid-19 has also forced many charities and organisations to work together to reach those who need continuing legal help. By developing an existing relationship with ACAA, Royal Holloway has been able to provide both support to communities and enhance the experience of their student volunteers in the LAC. Student volunteers have researched a multitude of legal issues that adversely impact Afghan and central Asian communities in the UK. The next step is to have the student volunteers begin research on the impact of Covid-19 in Afghanistan to lay the groundwork for future LAC and ACAA work in the country. The global pandemic has harmed countless individual and families but has successfully brought together organisations who can pool resources to provide assistance. The experience of the LAC with the remote summer placements will allow them to be resilient to future unexpected events and has created a fruitful partnership with ACAA, which they can build on to pursue funding to assist ACAA's communities¹⁸.

18 Curran, L., 'University Law Clinics and their value in undertaking client-centred law reform to provide a voice for clients' experiences' (2007) 12 *International Journal of Clinical Legal Education*. Available at: <https://www.northumbriajournals.co.uk/index.php/ijcle/article/view/73> (last accessed 30.9.20).

CLINICS IN TIME OF CRISIS: RESPONDING TO THE COVID-19 OUTBREAK

Amanda Thurston, Diana Kirsch¹

Background

At the time of the Covid-19 lockdown in March 2020, Hertfordshire Law Clinic was still in its infancy. It had only opened its doors in October 2019 and was technically still in its 'pilot scheme' phase – with the official opening not due to take place until April 2020.

The aim of the clinic was to help support its local community by offering free legal advice in areas of unmet need. At the time of opening this included Family law, Employment law, Commercial and IP advice for SMEs, and preparing Powers of Attorney. At the same time, the clinic aimed to provide law students with real-life practical experience of dealing with clients and their cases.

An important factor restricting the type and quantity of cases we can deal with is the level of professional supervision available. The University is lucky on this front as some of its Law School staff are non-practising solicitors, and we had already built up good connections with local law firms who were generous with the pro bono work

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their lawyers could offer. We have therefore always had almost twice as many external lawyers (compared to law school staff) supervising the students; currently fifteen.

Practicalities

The students work in pairs for all their clinic work. For some cases they shadow the lawyer supervisor giving one-off verbal advice to a client whilst keeping detailed notes. They then prepare an attendance note, which once approved by the supervisor is sent to the client as a record of the advice they have received. In other cases, the students interview the client alone, to gather more detailed instructions, and then carry out appropriate research to enable them to prepare a letter of advice. Once the letter is approved by the supervisor it is sent to the client. The two options enable the students to gain the most from learning new skills and working with an experienced professional. Before being allowed to partake in any of this clinic work, the students have to undergo a formal application process and compulsory training which includes watching recorded lectures; reading relevant material; and attending live sessions.

Satellite Clinics

We wanted to ensure the clinic reached the most vulnerable and needy parts of the local community. We therefore arranged to establish two satellite clinics. The first had students and their supervisor attending the premises of Future Living Hertford

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(FLH),² a charity working to support victims of domestic abuse, to provide family law advice to their clients. This was only permitted after the students had undergone appropriate domestic abuse awareness training to ensure the charity's vulnerable clients were treated appropriately.

The second satellite clinic should have seen students visit HMP The Mount and provide family law advice to prisoners. It had been recognised that access to this type of advice was widely needed for those in prison, but was extremely difficult for them to obtain. This was postponed due to the pandemic lockdown, explained further below.

The feedback from students, supervisors and clients has been very positive on how the law clinic has worked for them. We were therefore keen to look into expanding the clinic; the areas of law we could advise on, the depth of work we dealt with and the number of students involved. However, the turn of events in March 2020 meant we had more pressing considerations to deal with.

Lockdown

The University of Hertfordshire decided to close down its campus and send all students and staff home shortly before the official Government lockdown in March

² www.FutureLivingHertford.co.uk

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2020, and with only 24 hours' notice to us all. The clinic had some immediate challenges to face:

Challenge 1 – Answering the telephone from home

The client telephone line to the clinic was based on campus and manned by students on a rota. This was probably the easiest issue to resolve with the dedicated telephone line being forwarded to the full-time clinic administrator so she could control the incoming calls and messages, and share out the work on making initial contact with clients between the student clinic assistants, all working from their own telephones and own homes.

Challenge 2 – Moving to Video Appointments

Client appointments, which were all taking place face-to-face on campus, were already booked in for the next 4 weeks. This was a little trickier as we had no wish to shut down the clinic or cancel appointments.

We recognised that the best approach would be to move the clinic online. Ideally, we would give you a helpful insight into the clear scientific approach we took in researching the various platforms on offer and showing how the statistical data highlighted which would be the best. However, time constraints meant it had to be far simpler than that. We had one afternoon to decide which platform would be free and easily accessible to clients, students and supervisors, including those students

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returning abroad. It also needed to keep the contact details of all those attending a video meeting confidential.

We therefore chose Zoom which seemed to conform to all our requirements and having purchased a Zoom licence, we moved the clinic online in less than 24 hours. Initially, when clients were advised their face-to-face meetings were suddenly going to be moved online over 50% opted to postpone their meeting in the hope the lockdown would end in a few weeks. As the lockdown continued, however, clients simply accepted the move to an online environment and readily agreed to book online appointments.

Challenge 3 – Going Paperless

One problem the Hertfordshire Law Clinic did not face was the physical movement of any confidential paper files. This is where we were probably assisted by being so new. We were already paperless, with all confidential client information and documentation being held in our case management system Clio.³

Challenge 4 – Ensuring we maintain confidentiality

There were still concerns about confidentiality and potential breaches of GDPR. We trusted the clinic students to ensure they behaved professionally even when online. Their compulsory training before working in the clinic, included a two-hour session

³ www.clio.com

on professionalism, and they all signed a student agreement setting out the high professional standards we expect of them. We felt that the level of trust which had been afforded to students before lockdown should be continued when we moved online.

We provided them with an updated student handbook to highlight the practical changes of moving the clinic online and reminded them of specific issues with confidentiality. For example, a student needed to ensure they had client interviews and discussions about cases alone, without any third party listening in. As the majority utilised headphones and microphones for their online learning, this did not ever appear to be an issue.

We took the decision not to record the online student/client meetings. We were not present in the room with them when the meetings were face-to-face, and we felt that the risks had not increased significantly with those meetings taking place online.

There was a presumption that the clinic staff and supervisors would continue to comply with confidentiality once working for the clinic online – they were having to do all their other confidential day-to-day work in lockdown, so we again trusted them to follow the new guidance.

When it came to document confidentiality Clio assisted us with the additional advantage of offering Clio Launcher; an application within the case management system allowing students to access and amend confidential documentation without downloading it to their personal device. Its use ensured compliance with data

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protection legislation and the duty of confidentiality whilst still allowing the student anywhere in the world to access, draft, or amend a client document.

There seemed to be no issue with clients receiving their attendance notes or letters of advice by email with little or no access to post. Most already made their first contact with the clinic using email and now we offer nothing else.

Challenge 5 – Retaining and Gaining Volunteers

We were initially concerned students would no longer wish to continue volunteering for the clinic – particularly if they had left student accommodation, or even the country, for lockdown. However, we appeared to have a captive audience. The students were no longer commuting to attend their seminars. Most were unable to socialise or work, or even gain unpaid work experience. Suddenly, the clinic was seen as the only form of practical work experience they were likely to get for months. Further, anything that changed a somewhat monotonous day in lockdown could be seen as light relief. We actually managed to increase the number of students helping.

Likewise, whilst there were a few professional volunteers who were exceptionally busy during lockdown, family lawyers in particular, the majority of them were happy to continue assisting the clinic. A few, if furloughed, actually had more time to help, or even if still working, found it was far easier to give us an hour of their time to log into a video call, than have to book out a whole afternoon to travel to our campus. The move to an online clinic also meant the geographical area from where our external supervisors came from could expand.

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It was actually in the midst of lockdown that we first expanded the areas of law the clinic covered to include housing, due to the number of enquiries we were getting from tenants worried about rent arrears and eviction. This was only possible because of the move online - one external lawyer was on furlough, and another could supervise one afternoon a week as part of their day job with a charity supporting young people.

Outcome for the Clinic

After our smooth transition into the virtual world, we became the University's first virtual law clinic and during lockdown, up to the end of July 2020, we managed to engage with 75 clients online. We appreciate that we had the advantage of our clinic being part of the University and so never had the worry about resources, in terms of both money and paid staff.

Satellite Clinics

We were pleased to be able to continue the satellite clinic with FLH without any disruption. Their clients, although many were vulnerable, were learning that many things during lockdown had to be dealt with virtually so accepted that their clinic appointments would be too. If they wanted the extra reassurance of their support worker with them, they could just be invited to join the Zoom video call. The same could not be said for the planned satellite clinic with HMP The Mount. This project had its own, unique challenge.

Challenge 6 – Internet Connection

Whilst technology was an issue for the main clinic when it came to choosing which platform to use, after that it was rarely mentioned. Of course, there was the odd occasion when someone couldn't access the Zoom link or forgot how to unmute themselves – but these minor teething problems were part of the new virtual life.

The prison had much more basic IT issues which were not so easily overcome. The prisoners do not have access to the internet in their cells, or any other confidential area. They cannot even receive telephone calls in their cells but have pre-set times each day when they can have privacy in their cell and telephone out on a pre-agreed telephone number. This was our first clear insight into how the wonders of modern technology do not help you in a secure prison, these findings resonate with a recent Law Society report:

“During the lockdown period, meetings with legal representatives were predominantly by telephone or video conferencing and the majority continue to be so. For those who are living in institutionalised settings, such as prisons, immigration detention centres, mental health units or care settings, this is particularly important. People in these settings are reliant on those detaining or caring for them to facilitate access to legal representatives and during lockdown this depended on the supply of and access to technology.”⁴

⁴ Law Society (2020) Law under lockdown: the impact of COVID-19 measures on access to justice and vulnerable people, [Online]. Available at <https://www.lawsociety.org.uk/topics/research/law-under->

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We are now hoping to find a way to overcome these restrictions with the use of a new, dedicated telephone line for the prisoners to contact the clinic on, and for student volunteers to be staffing this telephone line at set times each day, as we cannot simply return messages. It has taken some thought and ingenuity, but it is just another hurdle thrown-up by the pandemic.

Challenge 7 – Communications – too much or too little

Communication seems to have been the hardest challenge during lockdown for all clinic activities. For the prisoners it was an issue of lack of communication – or at least access to it. However, for those of us lucky enough to have uninhibited access to the internet, the issue was often the opposite. Without being able to see anyone face-to-face there was suddenly a deluge of emails, messages, webinars and online announcements sent out – from the NHS, the Government, employers, work contacts, colleagues, friends, family, and many more. We found many of our student volunteers were overwhelmed by the volume of virtual communications and they struggled to process and deal with them all in a time-sensitive manner.

This deluge of electronic communications also left us at a disadvantage when trying to ask a favour for the clinic. No longer able to pop along to a colleague's office with the offer of coffee and cake, or meet up in a café with a potential new external

lockdown-the-impact-of-covid-19-measures-on-access-to-justice-and-vulnerable-people (Accessed 19 November 2020)

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supervisor, we had to resort to the seemingly over-formal booking of a MS Teams video chat.

So, one clear challenge was to find the appropriate level and quantity of communication. We needed to stay in touch with everyone connected to the clinic, but not to such an extent as to feel like we were harassing them.

Clinical Legal Education Module

It had always been planned that once the Clinic was up and running, we would introduce a CLE module to be able to gain the best student experience in the clinic and utilise their clinic work as part of an assessed module. The timing meant this was due to start in the middle of the pandemic lockdown in May 2020, with a group of accelerated law degree students. This new module therefore had its own challenges.

Challenge 8 – Blended learning

By this time, we had all learnt how to teach, and be taught, online. However, we had never undertaken clinic training in this way, and these were practical skills we were teaching. Interviewing needs to be tried and tested to fully understand it. How could we expect students to work well in pairs with real clients when they had never even met their clinic partner face-to-face?

Of course, the great advantage we had was the students themselves. They have grown-up in a generation used to handling electronic devices on a daily basis, and to

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adapt to continual changes and improvements to technology. They had already become accustomed to learning from their bedroom or kitchen table; and using a mobile telephone or tablet rather than a PC. They were well versed in reading training manuals on a screen, rather than printing them off, and were used to making friends and connecting with others remotely.

So, we introduced our first attempt at creating an entirely online training programme. This included recorded lectures, documents, and videos to read and watch at their leisure; and live online group seminars to interact with. Remembering to unmute ourselves; making use of the chat box and screensharing all became second nature. This was a steep learning curve for everyone, but that's probably why it worked. We were all in the same position, and there wasn't any alternative. If anyone suggested the students were not learning practical skills in a lifelike way, then they were wrong. The pandemic meant most clients were seeing their paid solicitors via a screen, and even court hearings were being conducted by telephone or video call. The student experience was entirely similar to what the legal world had become during lockdown. We never got to actually meet some of those accelerated students, and now never will, as they have finished their degree and gone on elsewhere to work or continue studies. That is a real shame, but does not appear to have affected their results, with a high proportion of the class attaining an upper second class or above. We believe that these results are a testament that online learning can work, and that student's main practical experiences can still be completely natural and real even if they are virtual.

Streetlaw Projects

The CLE module students also took part in another of our pro bono projects; Streetlaw. This allows students to work in a small team to produce a presentation on a specific legal subject, relevant to the audience they will present it to – for example knife crime to school children, or cybercrime to the elderly. Usually these would be live presentations with the students travelling to the chosen venue. The pandemic presented this project with its own challenge:

Challenge 9 – Presenting virtually

We wanted to avoid this project being frozen during lockdown and had to continue it for at least the CLE module students as it was already part of their course and assessment. We therefore simply followed what all other training providers have done during the pandemic and moved the presentations online.

The aim of producing relevant content for the audience was maintained, and for the students, they still had the experience of trialling newly learned skills. These included working as part of a team; researching a new area of law; creating a presentation on the subject matter, ensuring the content is appropriate for the audience and gaining confidence in their presenting. Our students impressed us with their innovative ideas and we even ran a YouTube live event with the help of a housing solicitor from Shelter on housing rights for students living off campus.

Lessons Learnt

The Hertfordshire University campus reopened in September 2020, but with heavy demands on limited teaching spaces, which had to be Covid secure, the clinic remains online. Given the second lockdown in November 2020 we are experiencing at the time of writing, this was by far the best decision.

Students would probably have agreed to come on campus for face-to-face client meetings, but for the clients and external supervisors, the remote clinic works better, at least for now. Even for some of the internal supervisors, whilst they remain working from home and teaching online, it is simpler to maintain their clinic work online too.

Clients have finally recognised the advantages in accessing a remote clinic. They no longer have to worry about taking time off work for their appointment or finding childcare cover. They no longer have the problem of ensuring they have the permit to park on our campus or locating the correct bus to get here.

Many of our external supervisors are also more easily able to continue being a part of the clinic when they do not have to travel to our campus but can log on to an online meeting. This is particularly the case when their own firms would not permit them to visit our campus at present and some are still working from home. If third parties were allowed onto campus, we would be at ongoing risk of having to change this – often on short notice. We now know the virtual clinic works for everyone, and it can remain steady during these fluctuating times.

Whilst we have not specifically surveyed the clients to enquire whether they would prefer to remain online, not a single one has asked to have their appointment on campus. This allows us to capture clients from a wider geographical area. There is the issue of whether virtual advice can work for vulnerable clients. However, if a client is suffering from physical or mental health issues, being able to reach legal advice from virtually anywhere should hopefully be seen as a positive. The flexibility of online meetings would also allow them to have a third party attend with them, even if they cannot be in the same room together.

We do obtain feedback from clients after every meeting. We are grateful that it has always been positive, and this did not change after moving online. However, some clients, whether it is a generational issue or simply lack of ability or confidence to utilise technology, have still refused to access us online. For example, so far, we have had no clients come to the online clinic to draft their Power of Attorney.

We will also never be able to fully resolve the concern of who is in the room next to the client, listening in, or what is going on just beyond the camera. Unfortunately, we have seen examples in our clinic of a client discussing child welfare issues with the child concerned in earshot, and another client who would not use her microphone but typed all instructions into the chat box on screen because her abusive partner was in the room next door. We cannot find solutions for every issue – certainly not with a virtual clinic only seven months old.

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On the teaching front, the CLE module has now been allocated a face-to-face seminar slot on campus each week. However, this is not necessarily the positive step we had hoped for. Some students struggled to return to campus, either physically trapped overseas due to travel restrictions, or having their own, or other's, health issues to deal with. Those that are in the classroom cannot do the mock interviews and small group work we had hoped for; they have to wear face coverings, sit at least one metre apart, and face the front. None of this is conducive to trying out new practical skills. Should we therefore revert to purely online teaching?

There is still a lot to be said for having a group of students in the classroom together. They can interact with the lecturer and each other; and learn from each other. When it comes to reflecting on their clinic experiences, they can share successes and even failures. They can actually see the person they are going to do their clinic, or other pro bono, work with and there is a sense of camaraderie. Their later seminars when they are sharing reflections on their clinic work are actually named team meetings, preparing them for working amongst others, akin to the department in a law firm.

What's Next?

It is generally accepted that we still need to return to seeing some clients face-to-face – particularly vulnerable clients. Once FLH has reopened its offices and we can transport students in a Covid safe way, we will return to see their clients there. Some

of them need this extra security when seeking advice on personal and traumatic events. There are also the elderly clients who don't have access to electronic devices and internet. Further, the satellite clinic at HMP The Mount will only really run to full capacity when we can visit the prisoners in person.

For all the advantages of the virtual clinic, interviewing in person is still a vital skill for the students to experience. It is different to a screen, in some ways easier, like maintaining eye contact; understanding body language; being able to work with their student partner and not interrupt each other. However, it also has some more challenging aspects – dealing with real 'in your face' emotions; proper 'meeting and greeting' your client; and of course, ensuring your smart attire continues below the waist! However, the virtual clinic will never disappear, not now we have shown it can work, and work well. Why would we want to take a step back? And just as lockdowns 1 and 2 have caught us rather unawares, who knows when it will happen again.

**SIMULATED AND REAL-WORLD EXPERIENCE – THE CHALLENGE OF
ADAPTING PRACTICE IN CLINICAL LEGAL EDUCATION IN
UNPRECEDENTED AND CHALLENGING TIMES**

Kaye Howells¹

March 2020 was undoubtedly the beginning of unprecedented and challenging times for all. From an education perspective, such challenges have resulted in the re-design of module delivery, consideration of how we ensure the students receive high-quality teaching and are afforded the same opportunities, albeit within a virtual environment. This paper will consider the challenges faced and how we can adapt practice in CLE in these unprecedented and challenging times.

Professor Richard Lewis states “the main advantage of clinical education is that compared to traditional teaching methods, it involves a different approach to the learning of law: it encompasses experiential learning or “learning by doing”². It is taught through both simulation and real-world experience across universities worldwide, such teaching (until March 2020) to the best of my knowledge, predominantly being face-to-face. However, whilst there is emphasis on “learning by doing”, where

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² Richard Lewis (2000) ‘Clinical Legal Education Revisited’ *Dokkyo International Review* 13, 149

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does it state that such learning by doing must be through face-to-face interactions?

The issue as educators is how we continue to ensure the same level of experience for the students through a virtual environment. However, that does not come without some challenges.

I commenced my career in Higher Education in September 2018 when I joined the University of Derby's Law School. My primary role was to establish the Student Legal Advice Centre and develop the Clinical Legal Skills (CLS) module. Prior to joining the world of academia, I was a practicing solicitor for 14 years, predominantly in Child Protection.

How the CLS module was delivered pre COVID-19

The academic year 2019/20 saw the first year of the CLS module and the operation of the Centre. The Centre is open all year round, bar one week at Easter, two weeks in the Summer and two weeks at Christmas. During the academic year 2019/20, the teaching of the CLS module was conducted face-to-face. Similarly, the students conducted face-to-face appointments with clients in the Centre. The module is a 40-credit bearing module. The module is designed such that all students undertake some level of simulation prior to undertaking real world experience. The schedule of delivery includes 3 hour lecture/workshops for 12 weeks in the Autumn semester and 6 hours of tutorials within the second semester, with emphasis on the work the students carry out within the Student Legal Advice Centre contributing significantly

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to the hours the students are required to complete. As the supervising solicitor and module leader, I also met with the students following client interviews to reflect and also to put together an action plan in respect of the client's case. March 2020 brought about significant changes, with the remaining teaching weeks of the academic year being moved to online delivery and clients being offered appointments online via Microsoft Teams.

At the point of Lockdown in March 2020, the Centre was temporarily closed. However, within six weeks a decision was made to move the provision online. I canvassed with the students enrolled on the CLS module to find how many could commit and feel confident with continuing to work in the Centre through online client meetings. I was confident in their ability having taught them and worked with them in the Centre since September 2019. Several students confirmed their commitment to continuing to work within the Centre.

The plan for Summer training

Pre COVID-19 I had timetabled voluntary Student Legal Advice Centre training for June 2020. At the point of timetabling, such training was to be delivered face to face. This was for students who wanted to shadow over the Summer months. I hoped it would be particularly appealing for those intending to take the module this academic year. Due to COVID-19 I informed students I would deliver the training online. Disappointingly, few students attended. Those that did attend expressed the view

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that the online element had been off-putting for some. This caused me some concern as to what effect such view would have on the number of students who enrolled on the CLS module this academic year. Despite low student numbers, I was able to keep the Centre open during the Summer months. Of note is the number of students enrolled on the CLS Module this academic year in comparison to last. 29 students were enrolled on the module 2019/20. This year 14 students are enrolled on the module. The theme from student feedback is that the online nature of what is such a practical module was off-putting for some students who had previously shown interest in the module.

Preparation and planning

Preparation and planning during the Summer months for delivery of the CLS module this academic year has been key. The CLS module continues to be afforded the same timetabled hours this semester as to that of the previous academic year. However, the 3-hour weekly lecture/workshop is wholly delivered online. The University of Derby has made a commitment to the students to provide 3 hours of face to face teaching per week of the semester (subject to any change in government guidelines). In the final year of the LLB at Derby, students study one 20 credit core module (Equity) and then have a number of optional modules of their choice. Due to the range of optional modules available and a varying number of students across the cohort taking different options, the only viable option for the 3 hour face to face provision was to attach the

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those 3 hours to Equity, the core module. From a timetabling and room booking perspective it was not viable to offer face to face across the optional modules. Thus, all optional modules, including the CLS module, are delivered online at this current time.

Part of the preparation for the move to online delivery involved re-examining the module specification and schedule of delivery to adapt the schedule, ensuring it complimented online delivery. In doing so, I considered the potential challenges to include: ensuring active engagement from the students online, a positive learning environment and inclusivity. As both the module leader and supervising solicitor for the Student Legal Advice Centre, I would need to be satisfied that the students are competent enough to become client facing, albeit in a virtual environment.

Educating those delivering

Aptly put by Beech, “most tech-platforms supporting higher education are well-matured and mainstream. Yet, problems can arise if the processes and people underpinning them have been slow to catch up.”³ Whilst the technology is available, clearly the onus is upon those delivering to ensure they have the skills required. I confess that pre COVID-19 my use of different technologies, particularly in my

³ Diana Beech. ‘Time for “co-opetition”? Unleashing the benefits of technology in higher education.’ (12.03.18) Higher Education Policy Institute. <https://www.hepi.ac.uk/2018/03/12/time-co-opetition-unleashing-benefits-technology-higher-education/>

teaching was arguably quite limited. I therefore welcomed the announcement at the end of the last academic year that teaching staff at the University of Derby were expected to engage with the Off-Campus Digital Learning Course during the Summer months. The Course was designed such that the following learning outcomes would be achieved:

1. apply a designed approach to help students navigate effectively through module content and activities
2. design and deliver an effective blend of synchronous and asynchronous learning experiences for students
3. apply a range of approaches to enable the socialisation of students in the off-campus digital learning space
4. design and deliver active learning approaches with and between students
5. deploy appropriate tools to ensure the accessibility of your course materials

There was an expectation that each academic would participate in all activities, to assist in supporting their own learning with others in specified groups from different disciplines. The course content was designed to prepare academics for their roles as a module tutor, teaching students in an online setting. To achieve course attendance sign-off by the facilitators, engagement with the activities set was compulsory, as was the drafting of a high-level module plan. The high-level module plan included

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breaking down in detail what would be covered in each asynchronous and synchronous session for each teaching week of the module.

Engaging in the course and completing the activities undoubtedly assisted in my preparation for the coming academic year. It enabled me to consider method of delivery and engagement of the students, which was of particular concern to me in respect of the CLS module, given the practical nature of the module. Whilst some may have been au fait with the terms “synchronous” and “asynchronous”, it was new terminology for me. Drafting the high-level module plan enabled me to be specific within the plan as to subject matter/area to be covered and how, be it synchronous or asynchronous. Completing the Off-Campus Digital Learning Course enabled me to be more prepared in terms of delivery of the module. Engagement with the course also gave me the opportunity to experience the course from a learner’s perspective, which I think is invaluable and enhanced my own abilities.

Given the challenges of COVID-19, I have become much more aware of the technologies available to assist in the delivery of teaching. Arguably, the current climate has forced my hand, which can only be a positive. Beech suggests that technology “enhances collaborative learning and helps institutions to maximise opportunities.... It also enhances student experience by allowing students to adapt to

new learning environments and be much more creative.”⁴ Arguably therefore we are enhancing the student experience through either blended or solely on-line delivery.

Increasing the use of technology within teaching practice, also acknowledges the fact that technology is undoubtedly a driving force in terms of employment and therefore, we are preparing the students for professional practice.

The significance of the learning environment and student engagement – formal and informal learning spaces

In the short number of weeks of delivering online during the last academic year, feedback was that students were less confident, and my own experience was that there was less student engagement in sessions. I was therefore concerned about ensuring how I could facilitate student engagement this academic year and gave specific thought to the learning environment.

In preparing for delivery of the CLS module, I considered how I could provide both formal and informal learning spaces for the students and continue to encourage a learning community amongst them. As a starting point, I introduced a discussion board, a ‘café forum’, to encourage students to engage and communicate with each other. Furthermore, to provide variety and an alternative, I set up a Team on

⁴ Ibid

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Microsoft Teams, with the students being encouraged to perceive it almost like a firm of solicitors and a virtual office space in which to engage with each other.

The café forum is set up as an informal meeting place for students to share their views and experiences. I have also introduced other discussion boards throughout the semester (with more planned throughout the academic year) which encourage discussions around specific topic areas students are learning about during the module. For example, one discussion board is titled “Reflection in Clinical Legal Education”. The students are encouraged to share articles about reflection and comment upon those articles. A further example is a mid-semester discussion board encouraging students to share experiences of their work in the Centre to date. One element of the assessments for the CLS module is a reflective essay. In planning the module, I was of the view that such discussion boards would encourage student engagement with each other, whilst assisting in preparation for assessment as well. Students have responded well, albeit initially through eager encouragement from me. I also respond to the threads within the discussion boards to encourage the students further.

The formal learning space (being the 3 hours weekly timetabled sessions) are delivered through Blackboard Collaborate. This enables me to deliver to the cohort, share material on screen and importantly, utilise the ‘breakout rooms’ for the workshops. I have found use of the breakout rooms an excellent mechanism for encouraging group discussion in smaller groups, which has proved an effective way

of the groups then reporting back to the whole cohort in the 'main room'. Simple use of the poll tool has also proved to be an excellent way of measuring student engagement and a tool I use frequently!

Is ensuring inclusion more challenging in online delivery?

One of the core elements of the University of Derby's Teaching and Learning Strategy⁵ is in respect of inclusion. It is our responsibility to:

*"Promote inclusive and flexible learning provision which meets the diverse needs of different learners, and provide an environment in which learners are effectively supported in their transition through the different stages of their higher education journey."*⁶

Whether delivering face to face or online, there is a commitment to ensure inclusivity. However, I raise the question as to whether it is potentially more challenging to ensure inclusivity within an online environment. Gauging a student's engagement, understanding and learning needs in a face to face setting is arguably less challenging. Perception of student complexities are perhaps more apparent in a face to face setting.

⁵ University of Derby Learning and Teaching Strategy (2016-2020)
<https://www.derby.ac.uk/media/derbyacuk/assets/organisation/about-us/learning-enhancement/documents/Learning-and-Teaching-Strategy.pdf>

⁶ Ibid

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In considering inclusivity and giving thought to challenges, I queried whether I could demand a student turns on their camera during online delivery. This may seem a relatively basic query to raise. However, it is a topic of discussion amongst educators. Tabitha Moses of Wayne State University highlights: “Although sticking with remote instruction may be the correct decision from the standpoint of Public Health, it is not without problems.”⁷ She suggests that “online instruction can pose a range of challenges for students if they are required to keep their cameras on”⁸ and lists such challenges as follows:

1. Increased anxiety and stress
2. ‘Zoom Fatigue’
3. Competing obligations
4. Right to privacy
5. Financial means (the assumption a student will have access to technology with camera access)

I propose that this is a challenge we face in delivering CLE. I submit that there is a preference for eye-contact and understanding body language, which clearly cannot be gleaned where students choose not to turn their cameras on, appreciating of course

⁷ Tabitha Moses ‘5 reasons to let students keep their cameras off during Zoom classes’ (17.18.20) The Conversation <https://theconversation.com/5-reasons-to-let-students-keep-their-cameras-off-during-zoom-classes-144111>

⁸ Ibid

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such as the identified challenges listed above. I am of the view that it is preferable where meetings are held with clients for student legal advisors to be visible. At the initial online session of the module this semester, I raised the concept of cameras with the students. I shared my preference for the use of cameras during some of the workshop elements of the module, in particular for example during simulated exercises. I also informed the students of the expectation of the use of cameras during client interview. I ensured that I justified my reasoning for the said expectation. Furthermore, I also wanted to reassure the students that if this would be cause for concern for any one of them, I would meet outside of the group setting to have a private discussion. Students have responded well to my request to date. There continues to be a reluctance for the use of cameras as a norm within class but where students meet with me individually for supervision or meet with clients, they have been happy to leave their camera on and can see the benefit, particularly in client interviews, to being able to make eye contact as it were.

Continuing to afford simulated and real-world experience in online delivery

Pre COVID-19, students had the opportunity to engage in simulated and real-world experience through face to face delivery. This academic year, the students enrolled on the CLS module continue to be afforded the opportunity of both simulated and real-world experience, albeit on an on-line platform, either via Microsoft Teams (when meeting with clients) or Blackboard Collaborate (when taking part in simulated

interviews). Currently, I schedule the client meetings through Microsoft Teams and have an option to join the meeting should I wish to do so. Whilst there is the option to join, I have reservations about the concept of joining the client meetings even in an observer role. My concern is that being present in the interview could have the potential to negatively impact upon the client relationship with the student legal advisors and in my view, potentially place the students under additional pressure. As the supervising solicitor of the Centre, I meet with the student legal advisors prior to the client meeting commencing for supervision (the student advisors also receive an email in advance, setting out the nature of the client meeting). I then meet for supervision following client interview. This assimilates to the structure pre COVID-19, albeit such meetings are now conducted through online platforms.

I am of the view that there is a place within CLE for both simulated and real-world experience be that face to face or through online provision. I share the view of Marson, Wilson and Van Hoorebeek that “no simulation or classroom based session can offer the student a true insight into the pressures and at times exhilaration of legal practice and this experience can only assist in producing better prepared trainee lawyers”.⁹ All educational institutions are driven by wanting to ensure graduates leave with the academic and practical skills to enable them to be successful on their journey into a

⁹ James Marson, Adam Wilson & Mark Van Hoorebeek, M. (2005) ‘The necessity of clinical legal education in university law schools: a UK perspective’ (2005) 7 *Int’l Journal of Clinical Legal Education* 29

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chosen profession. There is an increase in the use of technologies within the legal sector. Therefore, delivering CLE through online learning and through students advising in the Centre through an online platform, students are being provided with the opportunity to graduate with the skills and attributes that will be demanded by employers.

Where technology fails us....

At a very recent client appointment, it became apparent that the lead student legal advisor's microphone was not working. The other student legal advisor had not previously shadowed a live interview and had limited experience of simulation. I was therefore of the view that it would be inappropriate to expect him to lead the first interview. In the circumstances, I made the decision to lead the interview but essentially in the role of a student legal advisor as opposed to that of a solicitor. Our student legal advisors must not provide legal advice during their client meetings, such advice is provided in writing following the interview, to ensure it has been approved by me as the supervising solicitor before being sent to the client. In this instance, I was of the view that it was more beneficial for the student to observe me conduct the interview in the manner he would be expected to. The same level of service was being provided to the client in any event.

Perhaps, very simply, a risk of online delivery, be that through teaching or in a clinic setting, there is always the potential for technology to fail us!

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Access to justice

It would be remiss of me not to consider the significance of CLE in delivering access to justice.

When I deliberate about what was intended when the Student Legal Advice Centre was launched, the purpose was three-fold:

- i) to provide the students the opportunity through clinical legal education to develop knowledge and practical skills by providing advice and assistance to the public
- ii) to provide the community of with free advice and assistance
- iii) to signpost clients where the expertise required to an individual case is beyond that of the Centre

The purpose and what was intended at the launch of the Centre remains the same to date.

In 2018, Stevens, Kerr & Harper commented upon the future of law clinics:

“Technology could also lengthen the reach of law clinics to rural areas, offering a “virtual legal service”. This virtual process could be facilitated not only by Skype and video conferencing but through the creation of an app that allows documents to be

safely scanned and uploaded. With these tools in place, technology could be the way forward.”¹⁰

Whilst technological advances within the Student Legal Advice Centre are yet to reach advances such as the creation of an app, I can comment upon my own experience of delivering the Centre’s service through an online platform, in terms of increasing access for the public. Prior to migrating the Centre to an online service, all client appointments were face to face. The Centre experienced a number of clients who failed to attend appointments without notice. Since moving the service online, all clients have attended their appointments. Clients are no longer perhaps having difficulty in physically attending appointments. Furthermore, it is providing the opportunity to people who do not live within a comfortable travelling distance to utilise the Centre’s services.

When we initially moved the service online, I was concerned that we may see a reduction in the number of clients. For the students to gain the real-world experience we need to have the client base. Fortunately, I can report that the Centre continues to have a good client base and as stated above, is reaching out to people beyond the City and County.

¹⁰ Adam Stevens, Zoe Kerr and Sarah Harper, ‘The Role of Pro Bono Representation in Allowing Access to Justice’ (30.07.18) The writers were law student interns, participating in the WS Society Internship Programme in July 2018. The article summarises their research and presentation. <http://www.wssociety.co.uk/features/2018/7/30/8xxtiddcli1s5sosak8jj9wfwqzc9>

Close

At the time of writing, the students have experienced seven weeks of the first semester and the change in delivery methods. As previously discussed, delivery of the module is through Blackboard Collaborate. Being relatively new to world of academia and lecturing has meant that the use of such technologies has been as equally new to me as it perhaps is to the students. I am elated (and admittedly relieved) to report a positive experience to date. Through the use of tools such as polls, break-out rooms and asynchronously, the use of discussion boards the students are actively engaging with delivery. I have conducted simulated interviews using online platforms, which assimilates how students will see clients in the Centre and again, this was a positive experience - a view shared by the students. A challenge at the outset was around being satisfied as the module leader and supervising solicitor for the Centre, that the students would be competent to become client facing. In such a short period of time, I am satisfied that the method of delivery combined with the student engagement enables me to ensure competency. Despite the challenges of on-line delivery, we continue to afford the students the same opportunities, arguably more apt opportunities in line with how practice is developing.

The collaborative community of practice within CLE

As a solicitor in practice sharing practice certainly was not common to me. However, when I joined the University of Derby and started developing the Student Legal

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Advice Centre, it became very apparent that there was a strong support network of academics and practitioners in CLE. I am sure I am not alone in the view that such a collaborative community of practice is invaluable. I am further of the view that such a network has strengthened as a result of COVID 19 and that we can continue to share practice and learn from one another, which in turn will strengthen delivery of CLE to our students.

The continued provision of a Pro Bono service is key. The wider impact in terms of challenges of adapting practice in CLE is to ensure in facing and overcoming any challenges, we do so to enable continuing effective delivery of CLE to students and to enable the ongoing provision of clinics. We find ourselves in a changing landscape. Whilst we face challenges in such times, it is an opportunity to embrace the change with positivity, to enable the continued development of clinical legal education and in turn continue to deliver access to justice.