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| XX Law School Clinic |
| Clinic Handbook |
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| **20XX – 20XX** |

**Please note: the contents of this Handbook and the procedures set out in it apply to all students (undergraduate and postgraduate), supervisors, administrative staff and volunteers who work in the Clinic unless specifically indicated otherwise in the Handbook or confirmed in writing by the Director of Clinical Programmes. Please read, digest and follow. Thank you.**

*Updated xxxx*

**Welcome to the XX Law School Clinic**

The XX Law School (XXLS) Clinic (the Clinic) has been offering a valuable legal advice service to the public since XXXX. We expect (and hope) that you will find the hands-on nature of the experience to be a beneficial one that you will take with you through your studies and into your professional lives. It is important that you keep a copy of the Handbook with you throughout your time in the Clinic as it will provide you with indispensable information on your professional obligations, the roles and functions of the various clinic staff, and the procedures for dealing with clients and managing cases.

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**CLINIC OVERVIEW**

**The York Law School Clinic**

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| --- | --- | --- | --- |
| **Title** | **Name** | **Email Address** | **Telephone No.** |
| **Director of Clinical Programmes and Supervising Solicitor** | XXXX |  |  |
| **Other supervisory staff:** |  |  |  |
| **Clinic Administrator** |  |  |  |
| **Postgraduate Mentors** |  |  |  |
| **Address:** | | **E-mail:**  **Telephone:** | |

The Clinic is located on the XX Floor of the XX building in dedicated offices, XX123 and XX 456 Access to these rooms is **ONLY** permissible for Clinic staff, students involved in the XX and XX programmes or those having been given prior authorisation by the Director of Clinical Programmes. Non-Clinic students are **NOT** permitted in the Clinic rooms.

The Clinic rooms have facilities for client and supervisory meetings, administration, research and study. There is a small library of practice books that must not be removed from the Clinic. There is access to the University e-library and the Clinic has a dedicated Lexis-Nexis password providing full access to their practitioner database. Those involved with the Clinic programme and postgraduate study may be required to attend at other locations to provide advice or representation for clients and client groups.

Due to the confidential nature of the work and the equipment involved, we cannot leave the Clinic unlocked for casual use. Access is available to the Clinic offices via your student ID card at all times when the building is open (normally 24/7) and for the duration of your study on the Clinic module. **Controlling access is your responsibility. Your student card must not be made available to any other person or made accessible for example by leaving it on a desk.** You must never leave the Clinic open when unoccupied by Clinic staff or other Clinic students. Client files must **NOT** be taken client outside of the Clinic rooms (unless authorised by a Clinic supervisor or the Administrator) but research can be conducted at any location as long as confidentiality is maintained. Full training will be given in this regard.

For XX students the Clinic operates only in the Autumn and Spring terms. LLB students taking this option will be allocated to either the Autumn or Spring cohort. They can access the Clinic using their ID cards for the entire term and for the vacation period following that ter. After that their access to the Clinic will end.

For XX students the programme runs for the full academic year and as necessary over the Summer vacation period. All students will work in student law firms (SLFs). Postgraduates will be allocated to mentor the XX students in each SLF and work with them on case progression.

Subject to overall resource and capacity considerations we normally interview all prospective clients who we may be able to offer advice face to face (more on client ‘suitability’ later). We aim to make appointments for clients during office hours though on rare occasions this may not be possible. Appointments made outside of office hours will only take place with the approval of the client and appropriate member of the Clinic staff. E-mail, post, voicemail and other correspondence are checked and responded to daily by the Clinic Administrator. Although there is no need for you to check in-coming correspondence, **you (or a member from your SLF) needs to check your SLF in-tray (a box file in the designated filing cabinet in the Clinic office – XX123) on a daily, weekday, basis throughout the term.** The Clinic Administrator will place hard copies of any relevant correspondence or instructions in the designated SLF in-trays for action.

Remember that whilst the Clinic staff are here to supervise and support you it is inevitable that pressures in our lives will arise; pressure of work and time management are facts of life. We do make every effort to limit the amount of work you are expected to do around assessment periods but there are times when conflicting demands are unavoidable. **You must be aware that in the event of a client interview or advice deadline falling at the same time as an assessment deadline we would normally expect you to fulfil both responsibilities. If you do not think you will be able to cope with this, then you must consider whether you should participate in the Clinic.**

**How the Clinic works**

The Clinic follows strict operational rules that have been tried and tested. Following these rules and procedures will enable you to get the most from your time on the Clinic. This should also ensure that all of the Clinic work we undertake is completed to the same high standards both professionally and educationally. Suitably qualified staff supervise all of the work that takes place in the Clinic and an experienced solicitor, holding a practising certificate and who meets the Solicitors’ Regulation Authority (SRA) supervisory requirements, oversees the Clinic as a whole.

Everyone who takes part in Clinic work must sign a ‘Participant Contract’ that outlines the professional and legal obligations that must be adhered to while completing any work in the Clinic. Students who do not sign the contract will be unable to participate in the Clinic. The University carries professional indemnity insurance cover to protect its staff, students and clients in the event of problems arising with the quality of service and any advice given.

The Clinic is designed to give you a range of real and simulated experiences from which you can compare, contrast and critically examine the role of the law, lawyers and the legal process, as well as look at the wider context of human dynamics, in practice. Unlike the other modules undertaken at YLS, our work with real clients requires the Clinic to have strict client confidentiality procedures that must be adhered to, including where Clinic work is carried out and the use of personal IT equipment. The procedures we follow in the Clinic are designed to provide the consistency and safeguards the Clinic requires and ensuring the same high standards and operational procedures that are required in any law firm.

**What is clinical legal education and how will I learn?**

Clinical legal education (CLE) is a vehicle for the study of law through the application of theory to practice. We believe (and educational theory suggests) that the experience will enhance your critical evaluation of the professional, ethical and contextual issues involved in the workings of the law and the justice system. Although the primary objective of the Clinic is educational, it is also designed to provide a valuable legal service to the community. While it is rare for there to be a conflict between the two objectives, once we take on a case our professional obligations to the client, court or profession will always take precedence over the educational objective.

Unlike other areas of study the Clinic provides a unique learning experience by working with ‘live’ clients who have real problems or issues, some of which you and your Clinic SLF members may not have previously encountered before. In the course of working for your client, you will develop a range of key skills including detailed case management, office and administrative abilities, time management, liaising with student colleagues and XXLS staff, interviewing, factual analysis, legal research and drafting advice letters and possibly legal documents.

In the Law School Clinic participants will be organised into SLFs comprising of 5-6 students and at least one postgraduate mentor. It will be for each SLF to make the decision which of you will take responsibility for the cases allocated to that SLF. Individual SLF members can expect to work on at least 2 cases during the term of study and the SLF is likely to handle around 3 or 4 cases depending on the degree of complexity and nature of the cases.

Working in the Clinic is a unique opportunity as it gives you a hands-on experience within a closely supervised environment. We would like you to gain the maximum benefit from participating in the Clinic and this requires an aspiration to achieve the highest professional standards while reflecting on your strengths and weaknesses. The importance of reflection is echoed throughout XXLS and your time in the Clinic is no different, with evaluation encouraged through personal, formal and group work, as learning from others is just as important as reflecting on and learning from your own experience. On a case-by-case basis you will be required to complete a ‘Student Evaluation Form’, evaluating your and your firms, work along with being invited comment on your supervisor’s input. Working with clients can be very rewarding and students report gaining most from their time in the Clinic when they put maximum effort into the process.

**PROFESSIONAL OBLIGATIONS, YOUR PARTICIPATION AND OUR STANDARDS**

*You must read this section carefully. Principles here are of theoretical and practical importance and the topics are closely inter-related. If there is anything you don’t understand please ask.*

The following are a set of rules and expectations that apply to all our work in the Clinic.

**The rules of professional conduct**

We owe a duty to all of our clients to provide a competent and professional service and collectively, Clinic staff and students alike, must ensure that the Clinic operates within the appropriate code of practice and rules. Initially The Solicitors Act 1974 authorised the Council of the Law Society to make rules regulating the professional practice, conduct and discipline of solicitors. More recently, much of the regulatory and disciplinary role has passed to the Solicitors’ Regulation Authority (SRA) and the Legal Ombudsman in accordance with the Administration of Justice Act 1985 and the Legal Services Act 2007.

**During your time in the Clinic, you are expected to adhere to the rules governing professional conduct, the guidance within this Handbook and Clinic procedures. It is imperative that you familiarise yourself with the professional rules and procedures of legal practice regulated by the Solicitors Regulation Authority, the Law Society and the Legal Ombudsman along with the operating procedures of the Clinic. Always check that you have the most up-to-date copy. We will address the issues set out in this and the following sections in our weekly plenary session and at regular points during the module.**

SRA Handbook Version 19 (2017): [http://www.sra.org.uk/solicitors/Handbook/welcome.page](http://www.sra.org.uk/solicitors/handbook/welcome.page)

Law Society: <http://www.lawsociety.org.uk/advice/>

Legal Ombudsman: <http://www.legalombudsman.org.uk/>

As students, you must be aware that the actions you undertake on a client’s case could have direct consequences for members of staff, particularly the Clinic Director and other solicitors as they can be subject to the disciplinary procedures and complaints processes of the Solicitors Regulation Authority, The Law Society and the Legal Ombudsman. So that our high standards are maintained and the Clinic runs smoothly, you will be supervised and receive feedback, individually and collectively as a SLF, throughout the time you spend in the Clinic. The Director of Clinical Programmes is responsible for the quality and overall running of the Clinic and you must **never contact a client without the prior authorisation of the Director or your supervisor**, nor must you send any communication directly to your client as this must be checked and approved and signed off by a Clinic solicitor. This is required by SRA rules and the terms of our professional indemnity insurance. If at any time, you have any concerns or questions you must contact your supervisor, the Clinic Administrator or the Clinic Director before acting further.

**Ethical considerations**

Alongside the rules of professional conduct, the Clinic strives to be aware and act ethically in a broader sense. We are committed as a Clinic and a University to equality of treatment (subject to particular needs) and opportunity and no client should be affected by the personal views or prejudices of Clinic participants. This applies irrespective of the reason for consulting the Clinic. There are times when you may have to deal with a client who is requesting help for an issue that you find personally distasteful or even unethical, for example harassment of a sexual or religious nature or personal history. If for any reason you feel that you may not be able to give unbiased and independent advice to your client you **must** discuss the issue immediately with your supervisor, the Clinic Administrator or the Clinic Director.

We also aim not to compete with other legal service providers (for example other law firms) so will tend to take on cases where people find it difficult, for financial or other reasons, to access legal help. In this way we hope to fill gaps and contribute to improved levels of access to justice.

**Conflicts of interest**

Alongside the need to treat clients fairly and equally, there is a need to review and cross-reference each client and case for any possible conflict of interest. Conflicts can range from potential or actual conflicts of interest, for example, though not limited to:

* you or another member of the Clinic is personally involved with the client or their problem or has a vested interest in the client’s case;
* we have already agreed to act for an opposing party or parties; for example, if we are acting for a group of, or individual, tenants we would not be able to act for the landlord;
* the client wishes to take action against the University, the University governors, employees or current students of the University. We are able to act for governors, employees and students in unrelated matters;
* the client has already consulted with another solicitor and the solicitor is acting on his or her behalf.

We also may not be able to act because:

* the Clinic does not have the necessary expertise;
* the Clinic has insufficient resources to take on the case;
* the case requires urgent action or could not be completed within an appropriate period of time (you normally need at least 10 days to research and advise – see later)
* when a case fails to have or be of educational value.

Although the Clinic Administrator, in liaison with the Clinic Director will consider factors such as resources, existing conflicts, educational value or suitability prior to you receiving the case, **it is your responsibility to check each case prior to, and following the client interview and declare on the File Summary Sheet whether or not you think there is or may be a conflict of interest. In all cases where you know the client or party named within the case you must discuss it with your supervisor before proceeding.**

The fact that you know the client does not, of itself, mean there is a conflict of interest.

When an actual or potential conflict is identified, you must discuss the situation with your supervisor, the Clinic Administrator or the Clinic Director, as we will, where possible, refer the client to another source of help. Referrals must only take place once you have discussed the matter in full with your supervisor, a Clinic solicitor or the Clinic Director and obtained express agreement. Any referral will be made in writing, drafted by you and approved and sent by Clinic staff. Although we can provide assistance and make suggestions, it must always remain the clients’ decision as to whom they consult. While we can advise clients that a particular firm of solicitors has a relevant expertise this must done cautiously as we must not favour one firm of solicitors over another.

**Confidentiality**

The rules of confidentiality apply to all persons involved in the Clinic and must not be breached under any circumstances. All clients have a right to expect that confidentiality is maintained irrespective of whether the case is ongoing or completed. Although the SRA Handbook and the Code of Conduct do allow (and indeed require in some instances) for confidentiality be breached, it is extremely unlikely that you would ever encounter such an occasion in the Clinic.

Confidentiality is deemed such an important issue by the SRA that their Code of Conduct emphasises that ***“Protection of confidential information is a fundamental feature of your relationship with clients. It exists as a concept both as a matter of law and as a matter of conduct. This duty continues despite the end of the retainer and even after the death of the client.” See:*** [http://www.sra.org.uk/solicitors/Handbook/code/part2/rule4/content.page](http://www.sra.org.uk/solicitors/handbook/code/part2/rule4/content.page)

Confidentiality can be breached unintentionally and easily, and it is for this reason that the Clinic has specific rules about how we deal with clients in general and the use of computer-based technology in particular. We require all Clinic work to be carried out on Clinic premises unless the work can be done elsewhere without prejudicing client confidentiality (for example anonymised research). **This will be covered in the Clinic induction session which all students and staff must attend.**

Students must adhere to these rules at all times, irrespective of the inconvenience it may occasionally cause. You can discuss the nature of the work and what you learned but be mindful of what is said to friends, acquaintances and even Law School staff who are not involved with the Clinic. What is received by and discussed in the Clinic is confidential. Only those involved in Clinic work can be privy to this information.

Confidentiality will be breached if the facts or nature of the discussion could lead to a client, case or individual concerned being identified; remember you do not know what the others might know and it can be easy to piece facts together. Although it is not a breach of confidentiality to discuss a case with another Clinic student or staff member, to avoid the risk of accidentally disclosing information, we recommend that you only discuss the case with your SLF members or Clinic staff, unless directed otherwise (for example at the weekly workshop meetings).

**Data protection**

The UK has been subject to data protection legislation since 1987. The Data Protection Act 1998 came into force in 2000 and although changes have been made, often in the wake if EU legislation the Act remains primarily unchanged and places statutory obligations on all organisations handling personal and sensitive data.

**We deal with real people, with real problems** and clients are advised at the time of making of making an appointment what their rights are, including those relating to ‘Personal Data’, ‘Sensitive Data’ ‘Subject Access Requests’ and who the ‘ Data Controller’ is. The ‘Data Controller’ is an official of the University centrally but because of the confidential nature of the Clinic’s work this is delegated to the Director of Clinical Programmes who controls data on behalf of the University. Students and staff who work in the clinic are deemed to be ‘data processors’ and thus are subject to the obligations contained within the legislation. In addition, as a students and staff we are required to uphold the University’s Data Protection Policy.

If you have any concerns, questions or want to discuss your obligations, please contact the Clinic Director. **In order to ensure that that all client cases meet the necessary standards it is important that you fully comply with ALL of the record keeping requirements outlined in the Handbook. T**he following are recommended sources of information on data protection:

Information Commissioner’s Office - <http://ico.org.uk/for_organisations/data_protection/the_guide>

University of XX - <http://www.XXXX>

**Record Keeping**

Our time is precious and for that reason it can be very tempting to avoid or short-cut the perceived chore of recording keeping. We are, after all, very busy! Imagine then a legal practice where the records were in disarray and files did not follow a standardised template, where records of some or all discussions and actions were not made and placed on file, where letters and other documents were not kept and where lawyers did not record the time spent dealing with each event for a client. Accurate and precise record keeping is imperative in legal practice forming an essential part of a lawyers work; for professional and educational reasons the Clinic is no different.

A failure to ensure records are precise and accurate can have dramatic consequences for a number of reasons. A lack of records in legal practice could affect your firm’s income and your salary! Contemplate for example how you would feel if one of your SLF colleagues fails to place on file their research or a draft letter, instead choosing to keep it at home (which incidentally could also breach client confidentiality), which results in you spending your time replicating something already completed. This example is taken from real events and presents serious questions about professionalism, ethics, confidentiality and data protection. Consider the broader context: what if you are absent with no warning or a member of Clinic staff needs to deal with an urgent enquiry? Some effects may not be felt while you are at the Law School, such as the client contacting the office after you graduate and the case having to be re-opened, or in the worst case scenario the client makes a complaint, the file is incomplete and a judge ends up having to decide if the Clinic (and hence University) has been negligent.

Your records must be accurate, up to date and maintained **at all times, with all documents** filed in chronological order working from the back to the front (that is with the most recent on top). Every step you take in the case must identify when the task was done, what was done, who was involved and how long the task took. Time keeping is important as it forms an indicator of your developing skills and efficiency and a measure of the potential or actual labour cost involved.

Each file should contain the following:

1. The client’s name and file reference number on the outside of the file
2. A summary sheet, stapled to the left-hand inside cover of the file (Form 2) fully completed
3. A ‘Correspondence’ bundle on a treasury tag attached to the right-hand side inside cover of the file with a record of all communications with the client (letters, interview notes etc.), correspondence with any other party, research records and a record of meetings with supervisors – kept in chronological order
4. A ‘client’s documents’ plastic wallet attached to the left-hand side of the inside cover of the file containing all of the documents provided by the client including any copies you have taken (see later for how we handle client documents)
5. A separate plastic wallet for any court or tribunal pleadings – given that most of our work is limited to advice-only it is unlikely you will encounter these documents.

Finally, all files must be stored, in case reference number order, in the filing cabinets in the Clinic and they must not be removed from the Clinic office without the consent of a member of Clinic staff.

**OUR CLIENTS, THE CLINIC AND YOU**

**Our clients**

Our clients come from all walks of life and their enquires cover a wide range of subject matters. A client may be an individual or group. Examples of the advice provided for clients in the past include: contractual matters, small business and social enterprise set-up, employment problems, disability rights, nuisance cases, boundary disputes and benefit claims, to name but a few. Although we are, in principle, able to take on almost any case we take into account the educational merit, resources and expertise available, the client’s needs and alternative sources of legal help. We do not expect to take on every client who contacts the Clinic. Instead we aim to provide a complementary service, alongside other legal service providers be they private practice, not for profit or governmental. Decisions about whether to accept a case are undertaken prior to its referral to the SLF and the final say rests with the Director of Clinical Programmes. We will however discuss all cases with you when deciding who we can help as this is an important part of your education – legal services are, regrettably but perhaps inevitably (there is a discussion to be had here!), a limited resource, as in other aspects of life for example in health care and education.

Although the Director of Clinical Programmes has overall responsibility for the Clinic and its day-to-day operation, once a client has been accepted and the case opened, it will be **you and your SLF who are responsible for the client** under the supervision of your supervisor. You must always remember that **it is reasonable for your client to have an expectation that all deadlines will be met,** irrespective of how many times a letter needs to be re-drafted (the current record is 11!). You are very likely to have to deal with more than one client during the time you spend in the Clinic and you may have cases at different stages running concurrently.

**Procedures and facilities**

You are now aware of the required professional standards and the need to maintain confidentiality and avoid conflicts; so how do you actually do the work? The Clinic is set up with all the equipment required, including computers, printer, photocopier and shredder. The Clinic has a database of previous cases that allow us to check for initial conflicts of interest.

**When you are working on a client’s case, you must ONLY use the computers provided in the Clinic. Other University computers, your own computer and mobile devices are prohibited. You must not save LETTER or OTHER DOCUMENT relating to a client ON A PORTABLE STORAGE DEVICE, for example: CD, USB stick (flash drive), portable/external hard drive, memory card, tablet or mobile phone.**

**The only client-related work you are allowed to do on non-Clinic computers is anonymised research. Once this has been completed it should be transferred onto the client file in the clinic and the copy on the device/hardware you have been using should be deleted.**

On occasions you will need to print your work, for example drafts of client letters. Printing must **ONLY** be undertaken using the printer in the Clinic. You must always ensure that you have sufficient time to respond to deadlines. The Clinic Administrator is on hand during working hours to help you but it is not her job to do the client-related work that you have been entrusted with. That said if you are in doubt ask any of the supervisors or administrative staff.

Correspondence received in the Clinic, either electronically or hard copy will initially be handled by the Clinic Administrator or other member of the Clinic staff. All mail will be stamped with the applicable date received and passed to the appropriate person for handling. Any mail, such as client correspondence, supervisor messages or feedback or urgent notifications will be placed in the relevant SLF box for action. **YOU (OR A MEMBER OF YOUR SLF) MUST ENSURE THAT THE SLF INBOX IS CHECKED AT LEAST ONCE A DAY, MONDAY-FRIDAY DURING YOUR TERM OF STUDY**.

You should also check your personal University email account ([name@xxxx.ac.uk](mailto:name@xxxx.ac.uk)) daily to see if the Clinic staff are trying to contact you. It is important that your term time address, email address and (where available) mobile phone number is up to date on student records so that you can be contacted in the case of an emergency, such as a last minute change to a client appointment.

If you need to contact your client, the reasons and arrangements **MUST** be discussed and agreed with your supervisor in advance. You must **NEVER** contact the client directly, either in writing or by telephone, without a supervisor’s agreement. All written correspondence must be signed off by a Clinic solicitor. In the case of your letters relating to client documents the countersignature may be that of your Clinic supervisor. Telephone calls to the client must be agreed with your supervisor or Clinic solicitor first, and they must be present for its duration.

**Contracts, workshops, meetings and you**

The Clinic, while being educational in its purpose, must also operate professionally. As part of this, **you MUST attend the day-long induction session held at the start of the term when you start your participation in the Clinic.** The operational rules and the reasons for them will be explained then. It is important that you ask questions about anything you are unsure of, as you will be **required to sign a contract agreeing to the terms laid down and expanded upon in this Handbook**. If you feel unable to sign the contract, you need to contact your supervisor or the Director of Clinical Programmes immediately as it will not be possible for you to proceed with Clinic activities. In all eventualities, **you must have signed the contract prior to undertaking your first interview**.

**Until you have completed the induction session you cannot see a Clinic client nor access Clinic files.**

**If you are unable to attend the induction session that is held at the start of the term you are studying the Clinic option you will NOT be able to continue on the module. If capacity permits we will offer you the chance to take the Clinic option later in the academic year or in the following academic year (if applicable) but due to the popularity of this option we cannot guarantee that this will be possible.**

In addition to the induction plenary, there will be weekly meeting for SLFs with their supervisor or designated member of the Clinic staff. These meetings are in addition to the supplementary meetings that each case will demand. Clinical legal education does not end with the working on the client’s case and throughout the term there will be a series of workshops that you are required to attend. These give the whole cohort the opportunity to discuss topics of common concern or interest alongside the pre-determined subject matters covering the fundamental elements of professional practice and clinical legal education. It is important that you attend all scheduled meetings and workshops as they are directly related to the Module Learning Outcomes, in particular, for XX students, MLO 3 (see module outline below).

**SUMMARY OF CLINIC PROCEDURES**

**Points to remember**

* We use templates to ensure that necessary tasks are carried out and that our procedures are consistent and meet professional standards. There is therefore a form to fill in for every step you take. There are 15 of these forms, each to be completed at certain stages of case progression. The forms are set out in the appendix to this handbook.
* When filing documents you must file each document on top of the last. When a file reaches its conclusion and is closed the form on the bottom must be *Form 1*, with *Form 15* placed on the top. There is only one exception to this; *Form 2* is placed on the inside left cover of the folder cover to ensure it is easily accessible at all times for you to record your actions. You must **NOT** leave filling in your inbox. Put forms and other documents on the client file as soon as possible.
* It is important to record a synopsis of the weekly meetings with your supervisor on the  ***Supervisor Meeting Form***, along with any actions for completion and the person responsible. *Form 7* must be placed in the file at the time you complete it; on average there will be at least 2 or 3 in each file, depending on how many meetings there have been in the conduct of the case.
* For the purposes of assessment and learning you are allowed to use evidence from your client files but **YOU MUST NEVER ALTER, REMOVE OR KEEP ORIGINAL DOCUMENTS FROM THE FILE**. If you want to use copies of client documents they must be anonymised so that the client cannot be identified by name, address or identifying features of the case, for example employer names. There are many methods of anonymising documents and there are no quick ways to do it. You must seek advice and guidance from your SLF mentor or case supervisor to ensure that the documents are compliant and do not breach confidentiality or data protection.
* There is an ***Experience Reflection Form*** which does not need to be placed on file. This will help you gather evidence and act as a refresher for you when you prepare for assessment tasks. **Remember** that anything you write here must comply with the need for client confidentiality.

**Before the client interview**

* Where required the Clinic Administrator will liaise with the Director of Clinical Programmes as to the suitability of the prospective case. If the prospective case is not deemed to be suitable, the client will be contacted and where possible directed to available sources of advice and representation. If cases are turned away they will be discussed with you. Accepting, allocating or declining cases has educational value too.
* If the client’s enquiry is suitable for the Clinic, the Clinic Administrator will complete *Form 1* with details of the client’s enquiry; for example tenant requires advice on their rights on disrepair or eviction. The Clinic Administrator will staple any documentation or email communications received from the client to *Form 1*.This form provides you with information about any pending deadlines, whether a solicitor has been instructed, if there is a known opponent in the case and who the case supervisor is. The Clinic Administrator will conduct a check of the Client Database to establish if the client is known to the Clinic from a previous case, either as an opponent or client. The initial check of the Case Database is **NOT** a complete conflict of interest check or declaration. As students **YOU ARE STILL REQUIRED** to consider **ALL** of the factors set out previously under ‘Conflicts of interests’.
* Once the details of the enquiry have been gathered on *Form 1,* the Clinic Administrator will write to the client with details of the appointment date and time (*Form 1a*) and their rights and responsibilities (*Form 1b*). The Clinic Administrator will set up a file and record it on the Case Database and put *Form 1* and any relevant attachments in the in-box of the SLF that the case has been allocated to. The SLF will then take responsibility for the case file. The file will include copies of client correspondence (*Form 1*), invitation to interview (*Form 1a*). Stapled to the inside left cover of the folder will be the File Summary Sheet – *Form 2*.
* Each SLF has an in-tray (a box file) and details of work outstanding will be placed in here. The in-trays are located in the labelled filing cabinet in the Clinic office. SLF members must check their SLF’s in-tray on a daily (weekday) basis to see if an interview or task has been allocated to them. Although each SLF works as a team, individual cases can be handled by SLF members operating in sub-teams of 2-3 students. The cases will be assigned to ensure a fair and even spread of work. **Students who persistently fail to take up the offer of an interview, without good reason, will be required to withdraw from the module. Professional engagement is a pre-requisite for completion of the module.**
* Once you are assigned to a case you must, at least 1 day prior to the interview evaluate the facts provided by the client and the Clinic Administrator and complete any required information, including your details on *Form 2*. It is always wise to evaluate the legal context of the client’s enquiry, as this will help you considerably preparing the questions to ask your client. This is of particular importance if the subject matter is one you have not encountered before. Each SLF should work as a team and discuss and agree who will do what work and when. If tasks are allocated to an individual SLF member (such as initial research into a topic), those individuals must record his or her work and then share it with the other SLF members and, of course put a record on the client file.

**The client interview**

* On the day of the client interview you need to check the file and your inbox to establish whether the client has signed and returned *Form 1b*. Thirty minutes prior to the time set for your client interview you will meet your supervisor in the Clinic. You will need to decide who of you will greet the client, who will undertake the interviewing, who will be responsible for writing the minutes of the meeting and, if required, who will be responsible for photocopying documents. In all cases, ensure *Form 1b* has been returned with the client’s signature or if not take a new form into the interview and ask the client to sign it there. The interview cannot take place unless the cline has signed the form. Also check that you have the correct contact details for the client (postal address, telephone number(s) and email if relevant). There are no right or wrong methods of interviewing but think back to your Legal Skills days and what is likely to make an interview a success. If you need them, remember your supervisors will be on hand in the adjoining room. It is important to complete *Form 4*and complete *Form 3* before the interview as it will give you the evidence to reflect on later about the decisions and arrangements you made in preparing for the interview
* Once notified by either the Clinic Administrator or the XX building Receptionist (if the Clinic Administrator is not in the office a member of your SLF need to be on hand to answer the phone call from Reception) the students responsible for greeting the client must make their way down to the Reception desk where you will welcome the client and escort them to the designated room (usually XX 456).Any students remaining in the Clinic must ensure that the environment is suitable for the client and the Do-Not-Disturb sign place upon the door. In all cases, at the outset you will advise your client that the interview is a fact-finding exercise and **NO** advice will be given at this stage. If the Clinic is able to provide advice, this can only be given in writing after the case has been researched and the advice has been approved by a Clinic solicitor. You will inform the client of their rights orally and in writing by providing a copy of the ‘Information for Clients’ leaflet; where one has not been received already you must ask the client to sign a copy and provide them with a copy for their reference. **Remember**, you cannot proceed with the interview if the client refuses to confirm their contact details when asked or refuses to sign a copy of the ‘Information for Clients’ document. In general legal practice solicitors are obliged to do an ID check under money laundering regulations. As we do not carry out the type of work involving money-based transactions we do not need to carry out this check.
* If the client has brought any documents or evidence with them, you must explain that they will be photocopied at the end of the interview and returned to them before they leave. In a small number of cases we may need to retain the client’s original documents. If you feel that this may be required **you must discuss and receive authorisation from your supervisor prior to the client leaving**. If it is deemed appropriate to retain the original documents, explain to your client that a holding receipt (*Form 5a*) will be posted or emailed to their preferred address within 1 working day (24 hours on a working day, or 72 hours at a weekend) and upon the return of the documents the client will be required sign and return an acknowledgment of receipt (*Form 5b*).
* At the conclusion of the interview, explain to your client that a decision will be made regarding the suitability of the case. They will be told, in writing, if we can advise within 48 hours and if so when that advice will be provided – normally within 10 working days of the interview. You then need to escort the client down to Reception asking if the client needs any assistance for example as to the location of the car park or bus stops.

**Post-interview action**

* At the end of the client interview you will return to the clinic for the post-interview meeting and to complete the required paperwork for the file. The meeting is an opportunity to discuss the case and whether the Clinic can and should advise. It is also the ideal opportunity to raise any concerns you may have, what is to happen next and who has responsibility for each action to be taken. **IN ALL CASES and BEFORE LEAVING THE CLINIC** you must complete *Form 5*(for every case irrespective of whether documents were provided) and if appropriate *Form 5a****.*** *Form 6*must be completed remembering to attach **ALL** notes and minutes from the interview. Finally, complete *Form 7* recording your supervisor meeting. For **EVERY** event remember to record a summary and the time taken on *Form 2*. **Any documents provided by the client (including copies) must be placed in a plastic wallet and kept at the front of the file – not on the correspondence tag.**
* It is sensible to complete the first draft of your ‘Post Interview Letter’ on the day of the interview. Although hard copies of all draft and final version letters are kept on the case file letters are drafted on the clinic computers and saved to what is known as a *secure file store*. **A separate protocol about where and how to work on and store these electronic drafts will be distributed at the induction session.**
* You must use *Form 9*as the template for your letter. Prepare this, print off a copy on the Clinic printer (or ask the Clinic Administrator to do that), save the draft in the secure file store and put a hard copy of the draft letter in your supervisor’s in-tray for checking. Then email the supervisor mentioning only the case reference number (e.g. 032/15) and tell him or her that the draft is in his or her in-tray. The draft will then be returned to you with the supervisor’s comments. You should check your in-tray daily to see if the draft has been returned. This process is then repeated until the letter is approved by your supervisor. Remember that this letter needs to go to the client within 48 hours. Once it has been approved you must print off the final version and place this administrator’s in-tray and she will ensure the letter is signed off by a clinic solicitor and sent to the client. Once the letter has been sent a copy will be put in your firm’s in-tray and you should then file this on the client’s file. Once this has been done you should complete Form 8 reflecting on the process and this should be filed too.
* Don’t forget your SLF mentor and case supervisor are on hand to discuss research and letter drafting techniques so don’t hesitate to use their skills and knowledge to get the best for your client and your time in the Clinic. There are weekly meetings with your supervisor and postgraduate mentor(s), but remember these may not correspond to your deadlines and the urgency needed to complete your letters.
* It is important that you start your research as soon as possible after the client interview, especially if the subject is new to you. Every case the Clinic undertakes must have records of research included within the file. To ensure that there is continuity in our files you must record all of your research, and attach any records or notes on *Form 10*. For ease of reference we suggest you complete a *Form 10* for each research question you have identified.
* For the reasons already given we strongly recommend that your SLF PBLs the client’s case as soon after the interview as you can. This is to extract the maximum amount of learning from the scenario and to share the case with all your SLF members. Your PBL notes should be attached to *Form 7* and placed on the client file.

**The advice letter**

* The most important thing not to overlook is the 10 working days deadline (two weeks). You must allow plenty time for multiple re-drafts of the advice letter, therefore it is prudent for your first draft advice letter to be completed **no later** than 1 week after the client interview.
* When all of your research has been completed you must use *Form 12* as the template for your letter. The follow the same procedure as for the post-interview letter – draft the letter, print off a copy, place in the supervisor’s in-tray, email the supervisor and save a copy to the secure file store. When the letter has been approved print off the final version and put it in the clinic Administrator’s in-tray for dispatch. Again a copy will be put in your in-tray for filing. You should then complete *Form 11* to reflect on the drafting process. The Clinic administrator will send the letter to the client together with a questionnaire (*Form 13*) to see what the client thought of the service he or she received.

**Post-advice procedures**

* The advice letter is not the end of the process as all files need to be checked and formally closed. Once you are satisfied that all of the actions have been completed, you must evaluate your case. It is important that each student involved the case completes *Form 14*. The form is divided into two parts: your evaluation of the case and your evaluation of the supervision received while completing the case. You do not need to give your name if you don’t want to but for each case the number of evaluations received must equate to the number of students involved. Once the form has been completed this must be passed to your supervisor. His or her comments will be passed back to you and you can keep this form for your own reflection. Please ensure that client confidentially is respected. The form should not identify the client or matter other than by use of the file reference number.
* Once you have checked the file and completed *Form 14* it is important to place the last form in the file so that anyone can see from a quick glance that the case is closed. Complete *Form 15* in full and then pass to your supervisor who will sign the file off as closed. Some questions may not be applicable, if this is the case place N/A in the box. If you are unsure discuss your concerns with your supervisor.
* Completed files are kept for a minimum of 6 years from the date of completion. Why is this? You tell us!
* Finally, but most importantly, you will find whiteboards on the wall of the Clinic office. The boards have a list of on-going cases listed on them with columns against each case number with headings for each major stage of expected case progression – including the date of each interview and the deadlines for letters to be sent to client. You or a member of your SLF must complete the entries on the boards for each of the cases your SLF is handling. We will be checking on you! In this way it should be possible to check, at a glance, where cases are at and whether deadlines are being met.

**THE MODULE AND ASSESSMENT**

**Module content for the Clinic option on the XX programme**

**Module leader**: XXXX, Director of Clinical Programmes

**Credit rating**: 20 (at levels 5 and 6)

**Duration and terms**: The module is delivered in one term and is offered in both the Autumn and Spring terms. The timing of individual student activity may vary and is likely to be compressed into shorter periods to reflect caseloads and client contact opportunities. Students will be expected to complete their casework by the end of either Term 1 or Term 2 depending on which term they have been allocated to.

**Teaching programme**: This will consist of weekly workshops for the whole Clinic cohort, a weekly meeting for each SLF, meetings as case management requires and other occasional, plenary sessions.

**Procedural requirements**: Students must comply with professional behaviour requirements, including attendance at meetings and conduct of casework. Failure to observe such requirements may result in removal from the module.

**Student numbers**: For supervisory reasons this module is limited to an annual cohort of 60 students from Years 2 and 3.Selection is based on option first choices and in the event of over-subscription, a ‘lottery’ draw.

**Module content and delivery**

This module gives students the opportunity to participate in ‘real’ cases for clients across a range of different areas of law including advice for small businesses, help in social security benefits claims, with housing problems, consumer issues and in employment and family cases. Through that participation students will be able to develop and apply their theoretical understanding of the substantive law, relevant procedures, legal and related skills and professional values, in a practical setting. Clients may be individuals or organisations who require advice, and possibly representation or who are seeking more general assistance including help with legal research or advice on law reform. All students will get the opportunity of working in the in-house clinic based at the York Law School and in external projects involving particular specialisms. All student work will be supervised by suitably qualified and experienced members of staff. Students will work on allocated cases and take part in both individual tasks and collective work as part of their student law firm activity.

**Outcomes and assessment**

**Module learning outcomes (MLOs)**

After completing the module all students should be able:

* Through a critical analysis of at least one aspect of substantive law, encountered during the module, to demonstrate a clear understanding of the legal principles involved, as evidenced by documented research and subsequent advice given.
* With reference to a range of clinic-related experiences, to identify and explain the principles underpinning the skills that lawyers need to have to effectively carry out their work.
* In complying with applicable standards of professional conduct and client-care requirements, to show a sound appreciation of the constraints on and expectations of a university-based legal service provider.
* *(For Year 3 students only)* with reference to one aspect of law, procedure or other regulatory matter encountered during the module, to identify the relevant merits or shortcomings of that provision including, if relevant, a critical reflection on how that law, procedure or regulatory provision might be improved.

**Assessment method**

Assessment is structured and weighted as follows:

**Pre-requisite:** completing a multiple choice ‘exam’ on Clinic procedures – pass/fail. A Clinic student cannot take part in live-client work until he or she has passed this test.

**MLO 1**: An advice letter to a ‘client’ (not exceeding 750 words), based on a given scenario, justified by appropriately documented legal research (40% of the overall module weighting). The assessment task is to be completed in week one of the term following study of the module.

**MLO 2**: An oral examination (viva) based the student’s understanding of the nature and extent of the skills necessary for a lawyer to effectively carry out his or her work (30%). The viva is held in week 9 of the term of study.

**MLO 3**: A group mark (for the work of each student law firm) based on the extent to which all of the cases files handled by that firm meet professional practice requirements (10%) and (for Year 2 students only) a reflective report (up to 1,500 words) on whether and to what extent tension exists between the educational aims of a clinic and the legal service needs of clients (20%). The group mark will be determined by week 1 of the term following study of the module and the critique is to be submitted by week 6 of the term of study.

**MLO 4**: (For Year 3 students only) a critique (up to 1,500 words) of the relative merits or shortcomings of one aspect of the law, procedure of other regulatory provision arising in the context of work carried out in the Clinic (20%). The critique is to be submitted by week 2 of the term following study of the module.

**Recommended Reading**

The following texts are recommended:

* *A Student Guide to Clinical Legal Education and Pro Bono*, Kevin Kerrigan and Victoria. Murray (eds.), Palgrave Macmillan, 2011
* *The Global Clinical Movement: Educating Lawyers for Social Justice*, Frank Bloch (ed.), Oxford University Press, 2010
* *Clinical Legal Education – active learning in your law school*, Hugh Brayne, Nigel Duncan and Richard Grimes, Blackstone Press, 1998 (currently out of print but excerpts on the VLE and hard copy available in Clinic)

Additional reading will be referred to during the module. The VLE Clinic pages contain a set of helpful additional materials including academic writings and sample assessment submissions with feedback.

APPENDIX

Add forms 1-16 plus participant contract and experience reflection form here. Forms may need amending to remove reference to York Law School from them. Copyright is mine (Richard Grimes)