TEAMWORK MAKES THE DREAM WORK: THE VALUE OF CROSS-INSTITUTIONAL POLICY LAW CLINIC COLLABORATION IN THE FIGHT AGAINST CLIMATE CHANGE

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Abstract

In the spring of 2022, clinicians from the University of Central Lancashire’s Advice and Resolution Centre and Lancaster University’s Law Clinic launched a pilot environmental law policy clinic. A primary motivation for starting the policy clinic was to involve a wider range of students in clinic work, including those who may not have volunteered for the main legal advice clinic due to either a lack of confidence or a lack of desire to enter the legal profession.

Through participation in a CLEO workshop on policy clinics, the writers were introduced to the work of the Environmental Law Foundation (ELF). ELF provides free information and guidance on environmental issues for individuals and communities through a university-based law clinic policy network. The aim of our policy clinic project with ELF was to investigate the extent to which local authorities in a UK region are considering climate emergency declarations in their decision making and are on track to achieve net zero emissions. Participation in the project did not require any previous experience in environmental law or policy work, and the supervisors of the project did not have expertise in this niche area of law.
This paper will reflect on the experiences of running a pilot, cross-institutional environmental law policy clinic and the lessons learned (both good and bad) from the undertaking.

Introduction

The genesis of this Policy Law Clinic occurred after the authors attended a Policy Clinic workshop organised by CLEO in May 2021. The discussions that ensued from that workshop realised a joint aspiration to establish a policy law clinic but a (perceived) collaborative lack of expertise and specialism. Rather than establish two separate policy clinics, we decided to create a cross-institutional project, bringing together two universities based in the North-West of England. The rationale for this was that we considered it would be beneficial for students and staff alike. For students, we wanted to develop a sense of community between peers, facilitating occasions for teamwork and networking. For staff, working on a shared project allowed us to draw upon each other’s expertise, providing a forum to share ideas and creativity, and offering a chance to learn from one another’s practice. From a purely practical sense, it also increased our ability to offer supervision to the students and to share the workload.

CLEO is the Clinical Legal Education Organisation and is a UK based charity with the aims of fostering, promoting and developing Clinical Legal Education (in all forms) through education, training, collaboration and research www.cleo-uk.org
This article will chart the progress of the Lancaster/UCLan Environmental Law Policy Clinic from inception to establishment. The benefits and challenges encountered will also be discussed, along with observations on how the joint policy clinic has evolved and recommendations for the future.

Establishing a cross-institutional Policy Law Clinic

Policy clinics identify areas where the law operates unsatisfactorily and work with campaign or interest groups to try and change law or procedure. Students engaged in these clinics can expect to undertake literature reviews, design research methodologies, collect and analyse data and write up research findings. Policy clinic supervisors do not need to be legally qualified, as they are not supervising the provision of legal advice, rather they can be any member of academic staff who is able to supervise research activities.

In order for a joint policy law clinic to work, it had to be truly collaborative. Mattessich and Mansey state that collaboration is

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2 These clinics can also be referred to as ‘law reform’ or ‘research’ clinics. Kevin Kerrigan, ‘What is Clinical Legal Education and Pro Bono?’ in Kevin Kerrigan and Victoria Murray, A Student Guide to Clinical Legal Education and Pro Bono (Palgrave MacMillan, 2011) p3.

‘a mutually beneficial and well-defined relationship entered into by two or more organisations to achieve common goals’.

The project needed to have a set of values and goals, that needed to be examined and agreed at the outset. The values and goals centred around partnership, project, students and working practice.

There has been a rich history of Clinical Legal Education (CLE) at both UCLan and Lancaster University, with both institutions offering various forms of pro bono/CLE activity. However, the one initiative that was missing from these portfolios was a policy law clinic and for the reasons stated in the introduction, a collaborative project was created by both clinics. Collaboration within the CLE community is a common occurrence. In 2020, 89% of university law clinics worked collaboratively or in partnership with external organisations. However, the vast majority of these were with solicitors in private practice or local advice centres. Collaboration with another law school allowed for an easy alignment of agendas, both pedagogic and institutional. Collaboration between these two clinics made particular sense, as whilst the universities are physically close (less than 20 miles apart), they are demographically distinct. Having identified that a policy law clinic could be set up

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with minimal resources, the two universities had a willingness to run a pilot to see whether this could become an established project.

Identifying the right project

After our initial decision to explore the possibility of a joint policy law clinic, we spoke with clinicians in our network who were experienced in running policy law clinics to get their insight and share best practice. One factor that posed an issue was that our combined three practice specialisms of real estate, education law and commercial litigation did not lend themselves naturally to a combined project. We were wary of what we would be undertaking and wanted to make sure that we were suitably qualified to supervise the clinic activities.

One of the attendees at the May 2021 CLEO workshop was a representative from the Environmental Law Foundation (ELF), who discussed the policy clinic network they had established with university law clinics. ELF exists primarily to help socially and economically disadvantaged communities that want to address environmental concerns but lack the resources or information to do so. ELF works with over 20 universities and their policy clinics provide an opportunity for students to undertake in-depth empirical research on issues raised by ELF’s community enquiries.

ELF’s objectives aligned exactly with the social justice objectives of both UCLan and Lancaster University Law Clinics. We wanted to participate in an environmental

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project to raise awareness of climate change within the UK. However, we did not have the expertise in this niche area of law to provide legal advice. After initial discussions with ELF, this was deemed not to be an issue, as participation in their policy clinic network did not require any previous experience in environmental law or policy work. We would also ‘not be going it alone’ as ELF would provide support in the form of an extended network, guidance and template documents.9

Getting the foundations right: the case for piloting

ELF set an objective for the collaborative clinic, which was to investigate the extent to which local authorities (LAs) in a UK region were considering climate emergency declarations (CEDs) in their decision making; whether they were on track to achieve net zero targets and the extent to which they were taking into account COP 26 outcomes in their work. Previous regional research reports carried out by ELF’s policy clinics indicated that while there is some evidence that CEDs are being considered in LA decision making, data on this was lacking. Similarly, there was limited data on the amount of community involvement. In both instances, data was often incomplete, LA draft plans were subject to consultation at the time of the research, or reports were due after the research projects were submitted. The purpose of the clinic was to fill the gaps in the research, update progress and to analyse the impact on LA in these areas.

9 It should be noted that a donation was required by the university to ELF in order to join the policy clinic network.
To achieve this the student volunteers had to:

- Conduct a desktop research exercise into their assigned LA;
- Further this research by submitting Environmental Requests (EIRs) to the LA, based on a template provided by ELF; and
- Write up their research findings in a draft report to ELF to highlight good practice at local authority level and identify what further action may be required to meet climate change targets.

For the pilot study, only postgraduate law students were permitted to volunteer to contain the recruitment process to a smaller cohort for the purpose of piloting. A call for students was circulated by email and students had to apply by submitting a covering letter and a CV. In the first year of the pilot, we recruited five students to the policy clinic. Given the success of the first-year pilot, eighteen students were recruited in academic year 2022/23. The students received joint training sessions over Teams, including workshops on how to conduct desktop research, draft EIRs and write up the report.

Even though the two universities are geographically close, we decided to pilot as a virtual policy clinic and all meetings were held via Teams. A joint Teams site was created which housed the repository of documents required by the students to allow the students to upload their research and draft independently, which aided

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10 An EIR is akin to a freedom of information request.
supervision and monitoring. There were no extra insurance burdens to assume, as the policy clinic was not engaging in providing legal advice. Finally, as the data being requested was either in the public domain or provided in the EIR, there was no requirement to obtain approval from the universities’ ethics panels.

Benefits of establishing a Policy Law Clinic

Introducing a Policy Law Clinic into a University’s CLE programme brings with it a wealth of benefits for all key stakeholders, including the university, the client organisation, and the students working within the clinic.

Developing an innovative learning experience for those students with a desire to gain practical legal experience was the motivating factor for establishing the collaborative UCLan and Lancaster University Policy Law Clinic. Policy Law Clinic work provides a valuable opportunity for students to conduct empirical legal research on behalf of charities and external organisations (‘the client’), with the aim of using the findings to influence policy and law reform. This is a distinctive offering to that of a traditional live-client Law Clinic.

An exciting hybrid

Both UCLan and Lancaster University wanted to enhance their CLE programmes by diversifying the engagement projects available to students. Establishing a Policy Law Clinic allowed us to create a project for those students who wanted a clinical legal
experience, but who did not wish to conduct live-client work. Where there was uncertainty about future career aspirations, students could use the experience to make an informed choice about whether to pursue a career in the legal profession. The Policy Law Clinic therefore provided an exciting hybrid for those students who were interested in research and legal reform but were unsure of whether a traditional Law Clinic experience was for them.

Policy Law Clinics allow students to ‘think of the law in a different, but still practical, sense’, where students are encouraged to consider ‘the mechanics of the law, how laws are made and how they are influenced’. Additionally, students are introduced to pro bono work. Pro bono is beneficial to both students and society. For students, pro bono work provides a practical learning experience which develops legal skills and provides networking opportunities. Some academics argue that by engaging in university pro bono projects, law graduates can cultivate a sense of altruism, and a desire to advance access to justice.

By working on behalf of ELF, students were given insight into some of the most contemporary legal issues surrounding environmental justice and the climate

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15 Cantatore, F (n 14) 101-136.
emergency. The project gave students an opportunity to conduct impactful legal research, which will ultimately be used by ELF in their continued national campaigns. By engaging in this work, students were benefitted the opportunity of deepening their understanding of the law, whilst seeing how lawyers can play a role in its development. It is the authors’ hope that by engaging in such important societal work, and gaining an appreciation of its impact on the communities that ELF supports, students will gain a social justice ethos that they will take forward into their future careers.

The Value of a Clinical Legal Experience

Policy Law Clinics fall under the umbrella of CLE. The value and benefits of CLE are well-recognised and extensively covered within current academic literature. Like any form of CLE, Policy Clinics offer an abundance of learning benefits for students. Grimes notes that CLE allows students to gain a hands-on, practical, and participatory learning experience, whereby legal knowledge and skills are acquired, and where students have an opportunity to consider “the meaning and application of law”. CLE also provides an opportunity for students to see how the law interacts with society.

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16 For an overview of the work of the Environmental Law Foundation, see: <www.elflaw.org> accessed July 2023
17 For a full discussion on the role of Policy Clinics, see: Dunn, Bengtsson & McConnell (n 3), 68.
18 Previous research conducted demonstrates that Policy Law Clinics can create a social justice ethos in students, see: Dunn, Bengtsson & McConnell, (n 3) 75.
21 For a discussion on how CLE and how the law interacts with society, see: M Combe, ‘Selling intra-curricular clinical legal education’ (2014) 48(3) The Law Teacher 281-295, 281.
Current academic literature contends that Policy Law Clinics provide an avenue for students to expand their professional skills, including, amongst others, research skills, time management, analytical skills, written skills, and efficiency.\textsuperscript{22} Advancing our students’ legal research skills was a key remit of the Policy Law Clinic. Students were tasked with not only conducting research about environmental law, but also conducting fact-finding research to examine whether Local Authorities are meeting their climate emergency goals. Students were required to conduct desk-based research, along with gathering further data through drafting EIRs. The drafting of the EIRs ensured that students could develop their legal letter writing skills.

By asking each student to be responsible for drafting a specific section of the overall research report (which would eventually be used by ELF), our students were able to practise their written communication skills, along with refining their attention to detail. Setting work completion deadlines throughout the project assisted our students with advancing their efficiency, time-management, and organisational skills.

It is well recognised that the graduate employment market, especially for those students pursuing a career within the law, is competitive.\textsuperscript{23} Participating in a Policy Law Clinic provides students with legal experience which they can use to evidence

\textsuperscript{22} For a full discussion on how policy clinics can develop student skills, see: R Dunn R Glancey, ‘Using legal policy and law reform as assessment.’, 139-163, in Bone, A. and Maharg, P. (eds), Critical Perspectives on the Scholarship of Assessment and Learning in Law (ANU Press, 2019) and also: Dunn, Bengtsson & McConnell (n 3) 68.

\textsuperscript{23} For a discussion on CLE and employability see: J Alexander, ‘Modelling employability through clinical legal education: building confidence and professional identity.’ (2023) 57(2) The Law Teacher 135-154

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transferable employability skills.\textsuperscript{24} Participating in CLE has been found to enhance a student’s ability to find placements, training and employment.\textsuperscript{25} Research conducted by Alexander also notes that CLE helps graduate prospects by building confidence and instilling students with a professional identity.\textsuperscript{26}

**Challenges, reflecting and perfecting**

Career enhancing or just one more thing for the students to think about? The challenge of running a Policy Law Clinic on an extracurricular basis

As explored above, students gain a plethora of benefits from participating in the Policy Law Clinic, including enhanced employability and skills development. However, a distinctive feature of the Lancaster/UCLan Policy Law Clinic is that it operates on an extracurricular basis. This presents several unique challenges. One reason for running the Policy Law Clinic on an extracurricular basis is that it is still in a pilot phase and is only in its second year of running. The authors adopted a “quick and dirty” Policy Law Clinic launch, piloting the Clinic as quickly as possible with the aim of acquiring key insights and effectively fine-tuning the project in a short period of time. Developing and testing a project rapidly is common in the start-up sector, where commencing a project quickly, failing, taking key learnings, and adapting, is a well-
recognised route to business success.\textsuperscript{27} Piloting the Policy Law Clinic on an extracurricular basis allowed us to avoid the bureaucracy often involved in module creation, and quickly test the viability of the project.

Running the Policy Law Clinic on an extracurricular basis also provides another avenue for more students to participate in clinical work. Lancaster operates traditional Law Clinic modules, which are embedded into the curriculum, whilst UCLan’s Clinic offering is solely extracurricular. However, not all law students choose to participate in either the modules or the projects, spaces are limited and there is a competitive application process. In light of the well-documented benefits of clinical legal education\textsuperscript{28}, the authors recognised that introducing an extracurricular Policy Law Clinic would provide an additional route for students to gain valuable clinical experience.

The benefits of engaging in extracurricular activities such as the Policy Law Clinic are several, including enabling students to enhance and showcase their employability to graduate employers in a tangible way\textsuperscript{29}, gain insight into their future career aspirations\textsuperscript{30} and broaden their access to different networks and career opportunities.\textsuperscript{31} Students also acquire important life and employment skills from extracurricular

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\textsuperscript{28} Dunn, Bengtsson and McConnell (n 3) 68.
\textsuperscript{29} J. Dickinson, T. Griffiths and A. Bredice, ‘It’s just another thing to think about’: encouraging students’ engagement in extracurricular activities’ (2021) 45(6) Journal of Further and Higher Education 744, 752.
\textsuperscript{30} Dunn, Bengtsson and McConnell (n 3) 97.
\textsuperscript{31} Dickinson, Griffiths and Bredice (n 29) 752.
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activities, such as tenacity and time management.\textsuperscript{32} However, despite the multitude of benefits to students from engaging in the extracurricular Policy Law Clinic, the authors were concerned that: (a) the extracurricular nature of the Policy Law Clinic might mean that only certain types of students are able to participate; and (b) for some students who did participate, there was a noticeable waning of engagement with the project as the academic year progressed, and some students dropped out of the Policy Law Clinic altogether.

Students who volunteer in the Policy Law Clinic commit to several mandatory training and check-in sessions (roughly five in total), alongside unsupervised research and drafting responsibilities. While the time commitment is not overly onerous, and the training sessions and independent work can be completed remotely, the authors recognise that for some students the time demand associated with extracurricular activities is a barrier to involvement.\textsuperscript{33} Buckley and Lee’s research indicates that some students “identify extracurricular activities as being a potential cause of stress”, noting that this can be caused by both the time commitment and possible scheduling issues.\textsuperscript{34} Lack of time is a particularly relevant barrier considering the current cost of living crisis, as many students are increasingly taking on paid work to help fund their

\textsuperscript{34} Buckley and Lee (n 33) 42.
The need to work alongside studying disproportionately affects students from a lower socioeconomic background, reducing the time that these students have available to engage in extracurricular activities such as clubs, societies and voluntary work. Similarly, for students who have caring responsibilities, lack of time can prevent engagement with extracurricular activities. In light of this, an extracurricular Policy Law Clinic may not be accessible for students with paid work and/or caring commitments. A lack of time and multiple competing responsibilities can also explain why some Policy Law Clinic students became disengaged with the project as the academic year progressed. Anecdotal evidence from informal discussions with students suggests that, for some, the demands of coursework, exams and paid work understandably resulted in their Policy Law Clinic work falling to the bottom of an already extensive to-do list.

The solution(?): The one-day Policy Law Clinic hackathon

The authors aim to make the Policy Law Clinic as accessible and as engaging as possible for the broadest range of students. Time commitment has been identified as a primary barrier to extracurricular engagement, and the Policy Law Clinic currently requires a sustained commitment over one academic year. To increase Policy Law Clinic engagement, the authors intend to trial a one-day Policy Law Clinic hackathon.

36 Dickinson, Griffiths and Bredice (n 29) 746.
37 Dickinson, Griffiths and Bredice (n 29) 751.
in the academic year 2023/24. A hackathon can be described as an event or competition in which a team comes together to rapidly develop a prototype solution to a problem facing a business or organisation. In our legal hackathon, students will meet (both in person and virtual options will be available) and will receive training, problem solve, conduct legal research and draft EIRs, so that almost one year’s worth of extracurricular Policy Law Clinic work is condensed into one intense and exciting day of work.

Holding the hackathon over one day reduces the time commitment for students which, it is hoped, will encourage as many students as possible to get involved. Of course, an in-person hackathon may also present accessibility issues for some students. For example, some students may be working on the day of the hackathon or have conflicting lectures. However, the authors’ aim is to maximise the hackathon’s flexibility. For example, it will be possible for students to join the hackathon via Teams and work in small breakout groups. This enables students who have part-time work or class to drop in and out of the hackathon, as there will always be lecturers on hand (both in person and online) to provide support. In addition, the hackathon will be hosted by either Lancaster University or UCLan, and transportation will be funded for students attending in person, removing any cost barrier for student participation.

It is anticipated that a one-day Policy Law Clinic hackathon will increase student

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engagement, remove time commitment concerns and foster a cross-institutional sense of community among students. The effectiveness of the authors’ proposed solution falls within the purview of another paper, after the inaugural hackathon has run next academic year.

Time and resource pressures for academics

As discussed above, time commitment can act as a barrier to student participation in extracurricular Policy Law Clinics. However, the time and resource commitment for academics is also an important factor to consider when establishing a Policy Law Clinic. From identifying and developing a relationship with a third-party client, familiarising academic staff with a potentially unfamiliar area of law, developing training resources, recruiting students, delivering training sessions and ongoing supervision, starting and running a Policy Law Clinic is a multi-faceted, complex process. For academics considering piloting their own Policy Law Clinic, the time and resource commitment involved should not be underestimated. In Higher Education, work-life balance is an ongoing challenge for academics, caused in part by heavy workload, time and resource constraints and role overload. This is exacerbated by the expansion in student numbers in UK Higher Education and a more “consumer oriented” approach to study, alongside the open-ended nature of much academic

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work. Starting and running a Policy Law Clinic is a significant academic project that brings benefits to the third-party client, the students involved and the institution. In light of this, starting and running a Policy Law Clinic should be recognised in workload and resourcing considerations, and should be given significant weighting in the institutional promotion process. Securing departmental buy-in and having the time and resource to trial and refine a pilot Policy Law Clinic is an essential element of the process. In addition, the authors commend the benefits of collaborating with other institutions when designing and establishing a Policy Law Clinic, as this spreads the workload and allows for shared learning.

Concluding Remarks

Participation in a Policy Law Clinic benefits students in numerous ways. It provides invaluable practical experience and through the development of transferable employability skills such as research, time management and teamwork. By working on real world problems, our students have made a tangible impact on members of the community experiencing environmental poverty. This real-life experience uniquely challenges students and enhances their personal development; as Webb suggests, ‘the

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40 Kinman and Jones (n 39) 42 and 45.
41 Buckley and Lee (n 33) 46.
student will not realise his or her potential unless challenged by something more pressing than an essay on the sovereignty of Parliament’.42

Considering the benefits of Policy Law Clinic work, the authors recommend adopting a ‘quick and dirty’ approach to piloting a Policy Law Clinic, and using lessons learned to refine the end model. For example, from our 2-year pilot, the authors have learned that student engagement with the extracurricular Clinic sometimes wanes as the academic year progresses due to student study and work commitments. The authors are therefore piloting a one-day Policy Law Clinic hackathon in 2023/24, to reduce the time commitment involved. Testing ideas, starting small and failing forward is a key part of the iterative process when establishing a new Policy Law Clinic. In addition, the authors highly recommend the benefits of partnering with another institution when establishing a Policy Law Clinic. Doing so enables the workload to be shared, provides a valuable sounding board for ideas and fosters a cross-institutional sense of camaraderie.