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Editorial

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Welcome to the first edition of 2024. This is a wonderful edition which explores significant topics. With contributions from Australia, Nigeria and the UK, the authors offer valuable perspectives on access to justice for marginalised communities, the cultivation of social justice values in students, integrating vicarious trauma training, the impact of clinic on academic performance and the utilisation of Artificial Intelligence in both legal service provision and clinic settings.

We begin with Katie Robertson's article, "The Stateless Legal Clinic: Novel Approaches to Meeting Legal Needs in Australia through Clinical Legal Education" which explores the integration of clinical legal education into the emerging field of "statelessness studies." Specifically, it sheds light on the operation of the Stateless Legal Clinic in the University of Melbourne. This clinic offers legal assistance and education to stateless children seeking Australian citizenship and provides students at the University of Melbourne's Juris Doctor program with hands-on legal experience through an elective clinical legal education subject. By scrutinising Australia's legal framework concerning statelessness, the article analyses the design and function of the clinic. It contends that the clinic presents innovative avenues for enhancing access to justice for marginalised communities often neglected by the legal profession.

Continuing the commitment to improving access to justice, Folakemi Ajagunna and Ibijoke Byron's article "Clinical legal education and social justice: assessing the impact on law students in a law clinic in Nigeria" provides an insight into the University of Ibadan Women's Law Clinic (UI-WLC). This clinic offers pro bono legal aid to economically disadvantaged women in the community who face barriers to justice. The article evaluates the clinic's efficacy in instilling social justice principles in students through their training. The study's findings highlight the positive impact of UI-WLC participation on students' social values. Furthermore, it identifies areas within the clinic's group dynamics that require enhancement to better prepare students for societal engagement.

The subsequent article in this edition also delves into clinical legal education in Nigeria. Authored by Olajumoke Shaeeb, Yakusak Aduak, and Matilda Chukwuemeka entitled "Clinical legal education and the future of pro-bono in Nigeria: a guarantee for access to justice for accused persons awaiting trial", focuses on analysing the challenges and potential solutions for expanding legal aid services for this demographic in Nigeria. Employing an interdisciplinary approach, the authors gathered primary data through visits to the Yola and Jimeta medium security correctional centres conducted by the Nigerian Law School, Yola Campus Law Clinic. The study critically assesses the barriers to accessing legal aid despite the presence of available services and offers valuable solutions.

Emma Curryer and Gillian Mawdsley's article "Navigating vicarious trauma: the importance of planning, teaching and delivering vicarious trauma training to support law students and the legal profession" examines the experience of members in the Criminal Justice Clinic (CJC) at the Open University in the UK and evaluates the significance of vicarious trauma training in preserving the mental well-being of both students and staff. Given that their clinic operates exclusively online, issues of isolation are also addressed. The necessity of providing training to support mental wellbeing is emphasised, asserting its crucial role in the success of the CJC and in clinical legal education provision. The article advocates for legal education to acknowledge and tackle the prevalence of vicarious trauma, offering skills to those affected. It suggests measures for integrating vicarious trauma training into clinical legal education to assist students engaged in pro bono projects, emphasising its relevance beyond university into their professional lives. Additionally, the article presents preliminary findings from a small-scale research project on this topic.

Next, we have Francine Ryan and Liz Hardie's article "ChatGPT, I have a legal question? The impact of Gen AI tools on law clinics and access to justice". This study investigates the effectiveness of Generative Artificial Intelligence tools in offering legal advice and information for commonly encountered legal issues. Notable errors and inaccuracies are uncovered in the responses generated by these tools. The article explores the implications of non-lawyers utilising these tools and assesses the risks associated with relying on the advice which is produced. Furthermore, it delves into

the role of Artificial Intelligence in clinical legal education, questioning whether there is a place for responsible integration of these tools in law clinics. The authors argue that the adoption of Generative Artificial Intelligence could bolster the capabilities of law clinics and improve students' employability skills yet emphasises the importance for law schools to remain vigilant about the risks.

To round up this edition, Andy Unger, Catherine Evans, Alan Russell and Matthew Bond's article "Evaluating the academic benefits of clinical legal education: an analysis of the final average marks for five cohorts of LSBU LLB graduating students, 2011-2015" contributes to the ongoing pedagogic debate about the aims and benefits of clinical legal education. The authors investigate whether participation in the Legal Advice Clinic at London South Bank University in the UK positively impacts the academic performance of law students. The article examines the academic records of five cohorts of LLB full-time undergraduates graduating from 2011 to 2015 and determines if students who volunteered at the clinic attained higher grades compared to those who did not. The findings generally indicate that they did.

Finally, we very much look forward to seeing many of you at the upcoming IJCLE conference will be held in partnership with ENCLE, themed 'Clinical Legal Education: the creation of knowledge through transformative experience'. The conference will be hosted by the University of Amsterdam on 22-24 July 2024.

THE STATELESS LEGAL CLINIC: INNOVATIVE MODELS FOR ADDRESSING UNMET LEGAL NEED IN AUSTRALIA THROUGH CLINICAL LEGAL EDUCATION

Katie Robertson, The University of Melbourne, Australia*

I Introduction:

The Stateless Legal Clinic is a unique service providing legal education and aid to eligible stateless children in their application for Australian citizenship.[1] It also provides law students at the University of Melbourne with the opportunity to gain practical legal experience and engage in experiential learning, through a clinical legal education elective subject offered within the *Juris Doctor* (JD) degree.[2] Students learn within the framework of a three pronged curriculum that combines a theoretical and

* Katie Robertson is the Director of the Stateless Legal Clinic, Melbourne Law School, Associate Director of the Peter McMullin Centre on Statelessness and Assistant Director of the Melbourne Law School Clinics, University of Melbourne. I acknowledge the Traditional Owners of the land on which I work and pay my respect to the Elders, past, present and emerging. This article was produced, in part, under the auspices of an Australian Research Council Discovery Project Grant on 'Understanding Statelessness in Australian Law and Practice', DP210100929, and I acknowledge the support of the ARC. I also acknowledge the generous support of the Cameron Foundation in supporting the Stateless Legal Clinic through the Hiam Chalouhy Grant. Thank you to my friend and colleague Fadi Chalouhy who serves as Ambassador to the Stateless Legal Clinic. I wish to acknowledge and thank my colleagues Professor Michelle Foster, Kate Fischer-Doherty and Dr Brad Jessup at the Melbourne Law School for their support and editing feedback with early stages of this article. I also wish to acknowledge the team of dedicated lawyers at the Refugee Advice Casework Service who partner with me on this important work, in particular Sarah Dale and Ahmad Sawan,

[1] 'Stateless Legal Clinic', *Melbourne Law School* (Web Page) <https://law.unimelb.edu.au/centres/statelessness/engage/stateless-children-legal-clinic>.

[2] The Stateless Legal Clinic is situated within the Melbourne Law Schools Clinics program, the hub for clinical legal education and public interest law at the Melbourne Law School, University of Melbourne. See 'Melbourne Law School Clinics', *Melbourne Law School* (Web Page) <https://law.unimelb.edu.au/students/jd/enrichment/mls-clinics>.

doctrinal analysis of statelessness law, practical skill development and case work with real clients and a focus on ethical and social skills designed to support the establishment of students' 'professional identity'.

To be stateless means that no country in the world recognises you as legally belonging.[3] Without nationality, stateless people can face discrimination and difficulty in accessing a range of basic human rights including access to education, healthcare and employment.[4] Statelessness is a phenomena impacting millions of people – including children worldwide.[5] Australia has resettled stateless persons since at least World War II and ratified the relevant treaties comprising of 'international stateless law.'[6] Yet little is understood about statelessness in Australia and significant gaps exist in protection for stateless people.[7] In the absence of a specific visa category or other pathway to permanency for stateless people in Australia, many are left with the only option of seeking protection through an increasingly limited domestic refugee law

[3] *Convention Relating to the Status of Stateless Persons*, opened for signature 28 September 1954, 360 UNTS 117, Art 1 ('*1954 Convention*'); Lindsey Kingston, 'Worthy of rights: Statelessness as a cause and symptom of marginalisation' in Tendayi Bloom, Katherine Tonkiss, Phillip Cole (eds), *Understanding Statelessness* (Routledge, 2017) 29.

[4] Jason Tucker, 'Statelessness and Displacement: The Cause, Consequences, and Challenges of Statelessness and Capabilities Required of Social Workers' in Nancy J Murakami and Mashura Akilova (eds), *Integrative Social Work Practice with Refugees, Asylum Seekers, and Other Forcibly Displaced Persons* (Springer International Publishing, 2023) 355.

[5] 'Global Trends in Forced Displacement in 2022', (Report, UNHCR, 14 June 2023) 5 <https://www.unhcr.org/global-trends-report-2022>.

[6] 'Statelessness in Australia', (Factsheet, Peter McMullin Centre on Statelessness, February 2023) <https://law.unimelb.edu.au/__data/assets/pdf_file/0008/4488281/Statelessness-in-Australia.pdf>.

[7] Ie the lack of statelessness determination procedure (SDP) or visa category for stateless persons: Michelle Foster, Jame McAdam and Davina Wadley, 'Part One: The Protection of Stateless Persons in Australian Law — The Rationale for a Statelessness Determination Procedure' (2017) 40 *Melbourne University Law Review* 401.

framework, which seeks to punish and deter stateless refugees who arrived in Australia seeking asylum by boat.[8]

Significantly, however, despite not providing for *jus soli* (or birthright) citizenship, Australian law does provide the ability for stateless children born in its territory to apply for citizenship, thus ending inter-generational cycle of statelessness within families and allowing these children to access a myriad of essential rights they would otherwise be excluded from enjoying. The problem is that few stateless families are aware of this entitlement to citizenship, and until recently, there was very limited legal support available to assist children through the application process.

To respond to this gap in legal services for stateless children, Melbourne Law School conceptualised a novel legal subject: the Stateless Legal Clinic. The Clinic provides critical legal education and aid to stateless children in their application for Australian citizenship and situates clinical legal education within the relatively new and emerging discipline of 'statelessness studies.' It further provides law students with a rich experiential learning experience that prepares them for the reality of legal practice, while also supporting community legal service providers and stateless children; a group otherwise largely overlooked by the law.

[8] Katie Robertson and Sarah Dale, 'A Place to Call Home: Shining a Light on Unmet Legal Need for Stateless Refugee Children in Australia' (Report, Refugee Advice & Casework Service (RACS), March 2021) <https://law.unimelb.edu.au/__data/assets/pdf_file/0007/3645547/StatelessChildrenReport.pdf>; Jane McAdam, 'Australia and Asylum Seekers' (2013) 25(3) *International Journal of Refugee Law* 435.

This article will begin by providing an overview of the legal framework for stateless children in Australia. It will consider the context that precluded the author's identification of a need for a legal service dedicated to stateless children. Part III of this article will examine the design and operation of the Stateless Legal Clinic, reflecting on the three main foci of the subject's curriculum. The article concludes that the Stateless Legal Clinic offers a unique contribution to the emerging discipline of 'statelessness studies,' and provides an innovative model for how clinical legal education can help increase access to legal assistance for some of our communities' most overlooked groups.

II The Australian Legal Context

In order to understand the significance of the Stateless Legal Clinic and the circumstances that led to its inception, it is first necessary to consider the key legal concepts and framework governing statelessness in Australia.

(i) Statelessness – the Legal Definition and Lived Experience

'To be stateless means to have no country. This is very hard – and I feel deeply sad about it. I know people who aren't allowed to study or work because they are stateless – I worry about this for my daughter.'[9]

[9] Robertson and Dale (n 8) 19.

- Aisha, stateless Rohingya mother of one

The 1954 *Convention Relating to the Status of Stateless Persons* ('*1954 Convention*') defines a 'stateless person' as a person who is not considered as a national by any state under the operation of its law.[10] In effect, this means that stateless people, including children, are not recognised as legally 'belonging' to any country.[11]

Some people are born stateless, while others become stateless in the course of their lifetime.[12] Statelessness often has a severe and lifelong impact on people and exists in all regions of the world.[13] Millions of people are estimated to be denied a nationality globally, meaning they lack access to many basic human rights.[14] One third of the world's stateless population are understood to be children, with the United Nations High Commissioner for Refugees ('UNHCR') estimating that a child is born into statelessness at least every 10 minutes.[15]

Statelessness as a phenomenon is not new – indeed it is as old as the concept of the nation-state itself.[16] Under the nation-state world order, rights are afforded through

[10] *1954 Convention* (n 3).
[11] Peter McMullin Centre on Statelessness, 'An Overview of Statelessness' (Factsheet, October 2021) 1 <https://law.unimelb.edu.au/centres/statelessness/resources/factsheets/an-overview-of-statelessness>.
[12] For a discussion on the causes of statelessness, see Lindsey Kingston (n 3) 17.
[13] 'About Statelessness', *#IBelong* (Web Page, 2023) <https://www.unhcr.org/ibelong/about-statelessness/>.
[14] Michelle Foster and Hélène Lambert, 'Statelessness as a Human Rights Issue: A Concept Whose Time Has Come', (2016) 28(4) International Journal of Refugee Law.
[15] 'Statelessness Around the World', *UNHCR Australia* (Web Page) <https://www.unhcr.org/au/about-unhcr/who-we-protect/stateless-people/ending-statelessness/statelessness-around-world>; 'I Am Here, I Belong: The Urgent Need to End Childhood Statelessness', (Report, UNHCR, November 2015) 4 <https://www.unhcr.org/ibelong/wp-content/uploads/2015-10-StatelessReport_ENG16.pdf>.
[16] For a comprehensive discussion on the evolution and history of 'statelessness' see Mira L Siegelberg, *Statelessness: A Modern History* (Harvard University Press, 2020).

one's connection to a state.[17] Nationality therefore operates as the 'building block' upon which all other rights stem.[18] The inalienability of human rights is premised on the assumption that they are independent of all nation-states.[19] Yet in a paradox highlighted by influential political philosopher Hannah Arendt, as the nation state is the only judicial authority that can effectively acknowledge and ensure human rights, the human rights discourse loses its significance for those who cease to belong to any nation state.[20]

The international legal definition of statelessness does not do justice to the lived reality of those who exist without nationality in a world of nation-states. Statelessness has the potential to impact almost every aspect of a person's life, inhibiting access to education, housing, employment, medical care and freedom of movement, amongst other essential rights.[21]

Little is understood about statelessness in Australia, including the impact lack of nationality has on the lives of those who experience it. To better understand the

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[17] Victoria Reitter, 'Tackling the Nation-State 'Container Model' in Statelessness Research', *Melbourne Law School* (Blog Entry, October 2020) <https://law.unimelb.edu.au/centres/statelessness/resources/critical-statelessness-studies-blog/tackling-the-nation-state-container-model-in-statelessness-research-the-case-for-ethnography>.

[18] Katherine Yon Ebright, 'Nationality and Defining the 'Right to Have Rights' [2017] (56) *Columbia Journal of Transnational Law* 855.

[19] Leila Faghfouri Azar, 'Hannah Arendt: The Right to Have Rights', *Critical Legal Thinking* (Blog Post, 12 Jul 2019) <https://criticallegalthinking.com/2019/07/12/hannah-arendt-right-to-have-rights/>.

[20] Hannah Arendt, *The Origins of Totalitarianism* (Harcourt Brace, 1951). See also, David Owen, 'On the Right to Have Nationality Rights: Statelessness, Citizenship and Human Rights' (2018) 65(3) *Netherlands International Law Review* 299. For a substantive discussion on nationality and statelessness, see Alice Edwards, 'The Meaning of Nationality in International Law in an Era of Human Rights: Procedural and Substantive Aspects' in Alice Edwards and Laura van Waas (eds), *Nationality and Statelessness under International Law* (Cambridge University Press, 2014) 11.

[21] Michelle Foster and Hélène Lambert (n 14).

human experience of statelessness, in 2019 I conducted empirical research with my colleague Sarah Dale, in which we worked with stateless people residing in Australia to document their lived experience. The result was the documentation of some of these stories in our report 'A Place to Call Home: Shining a Light on Unmet Legal Need for Stateless Refugee Children in Australia' (the 'A Place to Call Home Report.')[22]

The lived reality of statelessness is perhaps better understood in the words of Amir, a stateless Palestinian father of four children interviewed for this Report, who states:

'Being stateless has been a huge source of sadness for me in my life. At times it has made me question my very existence and made me wonder why my parents chose to bring me into this world. I've never felt like I have a future. Wherever I've gone, I have no rights.

I hope for better for my children.'[23]

(ii) Statelessness Law in Australia

Australia has shown a strong commitment to reducing childhood statelessness by ratifying both of the key international treaties on this issue; the *1954 Convention* and the *1961 Convention on the Reduction of Statelessness ('1961 Convention')* without reservation.[24] Australia is also party to multiple international agreements that protect

[22] Robertson and Dale (n 8).
[23] Ibid.
[24] Australia acceded to the *1954 Convention* (on the same date as their accession to the *Convention on the Reduction of Statelessness*, 989 UNTS 175 (entered into force 13 December 1975) ('*1961 Convention*'): 13 December 1973. See '4. Convention on the Reduction of Statelessness', *United Nations Treaty Collection* (Web Page, 2023) <https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5>; '3. Convention relating to the Status of Stateless Persons', *United Nations Treaty Collection* (Web Page, 2023) <https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&clang=_en>.

the rights of stateless children and ensure the right to nationality, including the International Covenant on Civil and Political Rights,[25] and the Convention on the Rights of the Child.[26]

Furthermore, Australia was one of the first states to ratify the *1961 Convention*, and subsequently implemented one of its key articles into Australian domestic law.[27] Article 1(1) of the *1961 Convention* provides that a contracting state shall grant nationality to a person born in its territory who would otherwise be stateless — including at birth, by operation of law.[28]

Section 21(8) of the *Australian Citizenship Act 2007* ('*Citizenship Act*') aims to directly implement Article 1(1) by providing that a person born in Australia who is not (nor has ever been) a citizen or national of a foreign country, and is not entitled to acquire the citizenship or nationality of another state, is eligible for Australian citizenship.[29] This is a hugely significant law for stateless children born in Australia, given that

[25] Article 24(3) of the ICCPR provides that 'every child has a right to acquire a nationality': *International Covenant on Civil and Political Rights*, 999 UNTS 171 (entered into force 23 March 1976) ('*ICCPR*').
[26] Articles 7 and 8 of CRC provide that a child will have a right, from birth, to acquire and preserve nationality: *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) ('*CRC*'). For a full list of international agreements protecting a child's right to a nationality to which Australia is party see *ICCPR* (n 25) Art 24(3); *International Convention on the Elimination of All Forms of Racial Discrimination*, opened for signature 21 December 1965, 660 UNTS 195, Art 5(d)(iii) (entered into force 4 January 1969) ('*ICERD*'); *Convention on the Elimination of All Forms of Discrimination Against Women*, opened for signature 18 December 1979, 1249 UNTS 13, Art 9 (entered into force 3 September 1981) ('*CEDAW*'); *CRC* Arts 7 and 8; *Convention on the Rights of Persons with Disabilities*, adopted 13 December 2006, A/RES/61/106, Art 18 (entered into force 3 May 2008) ('*CRPD*').
[27] See generally, UNTC 1961 Convention Page (n 24).
[28] 1954 Convention (n 3) Art 1(1).
[29] *Australian Citizenship Act 2007* (Australia) s 21(8) ('*Australian Citizenship Act*').

Australia does not otherwise afford *jus soli*, or birthright citizenship to people born within its territory.[30]

(iii) 'No Way: You Will Not Be Settled In Australia'[31] – The Migration Law and Policy Framework

All stateless clients the Stateless Legal Clinic has assisted to date have been members of Australia's asylum seeker and refugee population. Indeed, current understandings of Australia's stateless population suggest that the vast majority of stateless persons in Australia are also refugee or asylum seekers, although more knowledge is needed about the overall demographic of this community.[32] In order to understand the legal status of the clients with whom the Clinic works (and therefore, the significance of securing citizenship for Australian born stateless children in this cohort), it is first important to understand the migration framework that underpins their citizenship application.

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[30] Australian citizenship can be obtained by automatic acquisition or application. With the exception of s 21(8) discussed in the text above, automatic acquisition of citizenship for persons born in Australia is limited to certain criteria stipulated in Section 12(1) of the *Australian Citizenship Act 2007* (Cth) including where –

(i) A parent of the person is an Australian citizen, or a permanent resident, at the time the person was born; or

(ii) The person is ordinarily resident in Australia throughout the period of 10 years beginning on the day a person is born.

[31] 2014 Australian Government advisement warning asylum seekers not to travel by boat to Australia seeking protection: Oliver Laughland, 'Angus Campbell Warns Asylum Seekers Not to Travel to Australia by Boat', *The Guardian* (online, 11 April 2014) <https://www.theguardian.com/world/2014/apr/11/angus-campbell-stars-in-videos-warning-asylum-seekers-not-to-travel-by-boat>.

[32] The Peter McMullin Centre on Statelessness at the Melbourne Law School is currently undertaking the first 'mapping' study of statelessness in Australia, with support from the Australian Research Council. The Report aims to better understand the numbers, needs and demographic of Australia's stateless population.

Pathways to permanent protection are extremely limited — and until recently, in the majority of cases, prohibited — for refugees, including stateless persons, whom arrive in Australia by boat seeking asylum.[33] In 2014 the Australian Government reintroduced the Temporary Protection Visa ('TPV') and introduced the Safe Haven Enterprise Visa ('SHEV') limiting the length of protection available to refugees and prohibiting them from accessing a range of essential services.[34] The reintroduction of TPVs followed the reinstatement of Australia's policy of offshore processing in August 2012, and then mandatory offshore processing in July 2013, whereby children (including those born in Australia) of parents who arrived by boat are taken to the remote Pacific island of Nauru and prohibited from ever applying for any form of protection in Australia under law.[35]

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[33] *Migration Amendment (Temporary Protection Visas) Regulation 2013* (Cth) reg 2.08H(2)(d) ('*Temporary Protection Visas Regulation 2013*'); *Migration Act 1958* (Cth) s 46A(1) ('*Migration Act*'); Kevin Rudd, 'Joint Press Conference: Regional Resettlement Arrangement' (Speech, Brisbane, 19 July 2013) <https://parlinfo.aph.gov.au/parlInfo/download/media/pressrel/2611766/upload_binary/2611766.pdf;fileType=application%2Fpdf#search=%22media/pressrel/2611766%22>.

[34] Refugee Advice and Casework Service, *An Overview of the Current Legal Situation for People Seeking Asylum in Australia* (Factsheet, November 2019) 3 <https://www.racs.org.au/s/101-An-Overview-of-the-Current-Legal-Situation-for-People-Seeking-Asylum.pdf>; Refugee Advice and Casework Service, *Fact Sheet: Temporary Protection Visas (TPV) and Safe Haven Enterprise Visas (SHEV)* (Factsheet, November 2019) 2 <https://www.racs.org.au/s/202-TPV-and-SHEVS-Boat-Arrivals.pdf>.

[35] *Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014* (Cth) sch 6 pt 1 cll 1, 7. The introduction and subsequent reintroduction of temporary protection visas in Australia has been highly controversial, resulting in debate and academic scholarship as to whether temporary protection visas are compatible with Australia's obligations under the Convention Relating to the Status of Refugees and accompanying international human rights law instruments. See, for example, Mary Crock and Kate Bones, 'Australian Exceptionalism: Temporary Protection and the Rights of Refugees' (2015) 16(2) *Melbourne Journal of International Law* 522 and Mohammud Jaamae Hafeez-Baig, 'Putting the 'Protection' in 'Temporary Protection Visa'' (Pt 28) (2016) 2 *Bond Law Review* 115. For a succinct summary of the recent history of Australian immigration policy pertaining to asylum seekers who arrive by boat, see McAdam (n 8). Offshore processing has also been a highly controversial Australian policy. The Kaldor Centre on International Refugee Law state that this policy violates many of Australia's obligations under international law: Madeline Gleeson and Natasha Yacoub, 'Cruel, Costly and Ineffective: The Failure of Offshore Processing in Australia' (Policy Brief No 11, Kaldor

Stateless persons within Australia's broader refugee cohort who have been previously fortunate enough to be allowed to apply for a temporary visa have spent the past decade living a life characterized by uncertainty; despite being recognized as refugees, they have been required to reapply for temporary protection every three to five years. The ability for stateless parents within this cohort to apply for citizenship for their Australian born children has therefore provided an essential life-line to permanency and protection in a context of an otherwise uncertain legal status, discussed further below.

In February 2023, a newly elected Australian Labor Government announced that it would seek to move TPV and SHEV holders onto permanent visas, offering essential security to many in Australia's refugee population, including eligible stateless persons also recognized as refugees.[36]

The past decade has marked a particularly fraught and punitive chapter in Australia's treatment of refugees and people seeking asylum, including stateless people. While

Centre for International Refugee Law, August 2021) 11 <https://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/Policy_Brief_11_Offshore_Processing.pdf>. See also, See also, Ayşe Bala Akal, 'Third Country Processing Regimes and the Violation of the Principle of Non-Refoulement: A Case Study of Australia's Pacific Solution' (2023) 24(1) *Journal of International Migration and Integration* 231; David Cantor et al, 'Externalisation, Access to Territorial Asylum, and International Law (2022) 34(1) *International Journal of Refugee Law* 120; Madeline Gleeson, 'Protection deficit: The failure of Australia's offshore processing arrangements to guarantee protection elsewhere in the Pacific' (2019) 31(4) *International Journal of Refugee Law* 415.

[36] Susan Love, 'Resolving the Status of Temporary Protection Visa Holders: a Quick Guide', *Parliament of Australia* (Web Page, 16 May 2023) <https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/pubs/rp/rp2223/Quick_Guides/ProtectionVisaHolders>.

the introduction of this permanent 'Resolution of Status Visa'[37] ('RoS visa') is a welcome development, many asylum seekers, including stateless persons, currently living in Australia remain ineligible to apply for *any* form of Australian visa (temporary or otherwise). They continue to live in Australia in a state of legal limbo on a 'transitory' basis and remain at risk of removal at any time, with little notice.[38] Any new arrivals of asylum seekers entering Australia by sea also remain ineligible for any form of visa in Australia.[39] The Australian Government has maintained its practice of turning boats back at sea, thus making it virtually impossible for asylum seekers to arrive in Australia by such means. [40] Asylum seekers, including minors continue to be sent to Australia' remote regional processing centres.[41]

[37] Subclass 851 Resolution of Status Visa see 'Subclass 851 Resolution of Status', *Australian Government, Department of Home Affairs, Immigration and Citizenship* (Web Page, 2023) <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/resolution-of-status-851>.

[38] As of 22 May 2023, there were 1,152 people in Australia ineligible for any form of visa. Classified as 'transitory persons' under the *Migration Act* (n 33), these are refugees and asylum seekers who were initially transferred to a regional processing country (Nauru or PNG) then returned to Australia for a 'temporary purposes' such as medical treatment under s 198B of the *Migration Act*. Although the Australian government considers their stay in Australia temporary, majority in this cohort have now been in Australia for years with no clear indication they will be removed. An application for a visa is not considered a valid application under the *Migration Act* if it is made by a 'transitory person' who is in Australia and who is either an unlawful non-citizen or a person who holds a bridging visa, a temporary protection visa, or certain other prescribed temporary visas: s 46B(1). Further, if a transitory person, who has been present in Australia for a temporary purpose, no longer needs to be in Australia for that purpose, then the person must be removed from Australia as soon as reasonably practicable: s 198(1A).

[39] Ibid s 46A.

[40] Anthony Galloway, 'Albanese Government Turns Around its First Ssylum Seeker Boat', *The Sydney Morning Herald* (online, 24 May 2022) <https://www.smh.com.au/politics/federal/albanese-government-turns-around-its-first-asylum-seeker-boat-20220524-p5ao2y.html>.

[41] Maddison Connaughton and Paul Farrell, Background Briefing, 'A Teenager is among the First Boat Arrivals sent to Nauru in Nine Years', *ABC News* (online, 27 Oct 2023) <https://www.abc.net.au/news/2023-10-27/nauru-new-group-detained-processing-centre/103014910>.

Children born in Australia to parents who arrived by boat after 13 August 2012 are generally defined as 'unauthorised maritime arrivals' under the *Migration Act 1958* (Cth) (*'Migration Act'*).[42] By virtue of this status, they are prohibited from applying for any form of visa in Australia unless the Minister for Immigration and Border Protection personally intervenes to allow them to make such an application, in which case, until recently, they have only be eligible for a TPV or SHEV.[43] Furthermore, as discussed above, Australian immigration law provides that those arriving on or after 19 July 2013 'must' be removed to a regional processing centre (such as Nauru) as soon as is 'practicable', including shortly after birth.[44]

The significance of securing Australian-born stateless children citizenship, in the context of a lack of visa category or permanent protection pathway for stateless people, and the precarious visa options – or lack thereof – under Australia's refugee protection framework is therefore immense. For the children the Clinic assists, Australia is the only home they have ever known. Their legal status as 'stateless' (discussed above) means they have no country to 'return' to, having inherited no nationality from their parents.

Despite being classified as an 'unauthorised maritime arrival' at birth, stateless children can still preserve their right to apply for Australian citizenship under the *Citizenship Act*. Such an entitlement provides them with concrete rights to remain and

[42] *Migration Act* (n 33) s 5AA(1A)(b).
[43] Ibid s 46A.
[44] Ibid s 198AD(2).

participate in the Australian community (therefore preventing their mandatory removal from Australia), far beyond the limited entitlements and protections they would receive under a temporary visa (TPV or SHEV) or a permanent visa (RoS visa).

III Origins of the Stateless Legal Clinic – Identifying the Legal Need

This section of the article will consider the establishment of the Stateless Legal Clinic. It will examine the context that preceded the author's identification of the need for a legal service dedicated exclusively to stateless children, through both legal practice and research.

(i) Baby Ferouz

The first stateless client I provided legal assistance to was a newborn baby of Rohingya ethnicity, known as 'Baby Ferouz.' Ferouz's parents had fled Myanmar and arrived in Australia by boat with his two older siblings in September 2013, shortly after the significant changes to the *Migration Act* discussed above. His mother Latifah was examined after their arrival on the tiny Australian territory of Christmas Island, where medics identified her as a high-risk pregnancy. Shortly after her transfer to Nauru, she was separated from her husband and children and flown to Australia for medical care in a Brisbane hospital.[45] Ferouz was born prematurely in November 2013 and

[45] Latifah's husband and children were later sent to Brisbane where they were placed in immigration detention for the duration of the birth of Ferouz and immediate aftermath. *Plaintiff B9/2014 v Minister for Immigration and Border Protection* [2014] FCAFC 178 [6]. Regarding health concerns during pregnancy see Joshua Robertson, 'Baby Ferouz, Born in Brisbane, Marks his First Birthday in Immigration Facility',

remained in hospital for some time. His mother was discharged to an immigration detention centre and only allowed to visit her new baby for a limited time at the hospital each day.[46] Upon discharge, Ferouz and his family were transferred to an immigration detention centre in Darwin and informed by the Australian Government that they would be removed to Nauru.[47]

Working in partnership with the skilled legal team at the Refugee Immigration Legal Centre, my colleagues and I at law firm Maurice Blackburn launched strategic litigation challenging the classification of Ferouz as an "unauthorized maritime arrival" and therefore the Australian Government's ability to remove him to Nauru.[48] We also lodged an application for citizenship on behalf of Ferouz under s 21(8) of the *Citizenship Act*, noting that such an entitlement provided an alternative legal avenue to prevent his removal to Nauru. Through the *Citizenship Act*, we were aiming to find a creative way to circumnavigate the recent legislative changes to the *Migration Act*

The Guardian (online, 12 Nov 2014) <https://www.theguardian.com/australia-news/2014/nov/12/baby-ferouz-born-in-brisbane-marks-his-first-birthday-in-immigration-facility>.

[46] 'Baby Ferouz: Landmark Brisbane Court Hearing for Australian-born Babies in Detention Underway', *ABC News* (online, 14 October 2014) <https://www.abc.net.au/news/2014-10-14/landmark-case-about-assylum-seeker-baby-born-in-brisbane-goes-t/5811890>; Joshua Robertson, 'Australian-born Children of Asylum Seekers at Risk of Deportation under New Laws', *The Guardian* (online, 14 October 2014) <https://www.theguardian.com/australia-news/2014/oct/14/australian-born-children-asylum-seekers-risk-deportation-new-laws>.

[47] Robertson, 'Australian-born Children of Asylum Seekers at Risk of Deportation under New Laws' (n 46).

[48] The matter of *Plaintiff B9/2014 v Minister for Immigration* [2014] FCCA 2348 turned on whether the Plaintiff was an "unauthorized maritime arrival" as defined in s5AA of the *Migration Act.* The plaintiff was unsuccessful in this matter and on appeal to the Federal Court of Australia in *Plaintiff B9/2014 v Minister for Immigration and Border Protection* [2014] FCAFC 178.

that prohibited families like that of Ferouz's from settling in Australia, and the policy framework upon which these provisions rested.

Ferouz's legal proceedings garnered national media attention and resulted in my colleagues and I being contacted by other parents of Australian-born children held in immigration detention also facing imminent removal to Nauru.[49] In turn, we represented over 100 families alongside Ferouz. Thirty-one of these families were identified as stateless, and as such, we ensured that applications for Australian citizenship were also lodged for these children.[50]

Through this process, it became apparent that there were numerous stateless children in Australia's refugee cohort with a *prima facie* entitlement to Australian citizenship.[51] Our interactions with these clients consistently indicated that stateless parents were unaware of their child's entitlement to apply for citizenship and faced significant difficulties navigating the application process without specialized legal support. Furthermore, while a handful of migration agents and community refugee legal centres were assisting children to apply for citizenship on an *ad hoc* basis, there was

[49] Katie Robertson, Opinion, 'It's Time to Dispel the Myths Surrounding Australia's Asylum Babies', *The Guardian* (online, 14 May 2014) <https://www.theguardian.com/commentisfree/2014/may/14/its-time-to-dispel-the-myths-surrounding-australias-asylum-babies>.

[50] Robertson, 'Australian-born Children of Asylum Seekers at Risk of Deportation under New Laws' (n 46).

[51] For a broader discussion and examination of the challenges facing the stateless children born in Australia to refugee parents who arrived in Australia seeking asylum by boat, see Asher Hirsch, 'Children Born in Australia's Asylum System' (Statelessness Working Paper Series No 2017/06, Institute on Statelessness and Inclusion (ISI), December 2017) <https://files.institutesi.org/WP2017_06.pdf>.

no targeted legal service dedicated exclusively to this legal need, nor was there any specific legal funding for a service of this kind.

(ii) Preliminary Research Indicating Unmet Legal Need of Stateless Children in Australia

After several years of providing legal representation to stateless asylum seekers, my colleague Sarah Dale[52] and I decided to investigate whether our vocational understanding of this unmet legal need was supported by research. In our resulting report 'A Place to Call Home', we identified three main findings discussed below. [53]

a) Lack of Knowledge of Legal Rights

'Our lawyer at RACS first told us about applying for citizenship for our two youngest children – we didn't know this was possible. Sometimes I wonder – if they hadn't told me about this process, how would I know? Applying for citizenship – even knowing it is a possibility – would be too hard for us to navigate without a lawyer.'[54]

- Amir, stateless Palestinian father of four

Research supported our observed experience that parents of stateless children were unlikely to know their child has a potential claim to Australian citizenship.[55] Stateless

[52] Sarah Dale is the Centre Manager and Principal Solicitor at the Refugee Advice Casework Service: 'Our Leadership Team', *Refugee Advice & Casework Service (RACS)* (Web Page) <https://www.racs.org.au/our-team>.

[53] This research was conducted through the University of Melbourne (Ethics ID 1953655) and supported by a seed funding grant provided by the Stateless Hallmark Research Initiative through the Peter McMullin Centre on Statelessness.

[54] Robertson and Dale (n 8) 5.

[55] Ibid 14.

parents were usually informed of this entitlement when (or if) their lawyer protectively flagged it with them, often inadvertently in the course of receiving advice about their refugee and or immigration status.

Poor awareness of the entitlement to apply for citizenship within the stateless community was found to be complicated by a general lack of knowledge and expertise pertaining to statelessness in the Australian legal profession.[56] Furthermore, we identified a lack of targeted legal outreach within stateless communities regarding this entitlement and, more fundamentally, a lack of legal services to assist stateless children with these claims.[57]

While some refugee legal aid service providers and practitioners had been assisting stateless children to go through this citizenship application process, this was on an *ad hoc* basis– based on the lawyer's initiative and knowledge of this provision and complimentary to the person's substantive temporary visa application. There was no targeted service for a dedicated program to assist these children or identify their location and actively educate them on their rights.

[56] Ibid 15.
[57] Ibid.

b) Difficulty in Accessing and Navigating the Citizenship Application Process:

'*We would never have known about or been able to navigate the citizenship process without a lawyer. Accessing free legal advice has been essential for us.'*[58]

- Muhammad and Sumaiya, stateless Rohingya parents to three children

In addition to the lack of awareness of their child's entitlement to apply for Australian citizenship, our research indicated that parents of stateless children experienced difficulties in navigating the complex and administratively burdensome application process without access to free, specialised legal support.[59]

This was complicated by a lack of targeted legal funding for stateless children in Australia. Research indicated that applications for citizenship by stateless children with access to quality legal assistance were more progressed than those who did not.[60] Furthermore, significant barriers exist for non-English speaking applicants. Information regarding the application process, available on the Australian Department of Home Affairs website, is only available in English.[61] The relevant application form is also only available in English and is lengthy; 27 pages in length

[58] Ibid 14.
[59] Ibid.
[60] Ibid 15.
[61] See 'Become an Australian Citizen (by Conferral): Born in Australia and Are Stateless', *Department of Home Affairs* (Web Page, 17 March 2020) <https://immi.homeaffairs.gov.au/citizenship/become-a-citizen/born-in-australia-stateless>.

including 51 questions, the majority of which are not relevant to Australian born stateless children.[62] Indeed, even where stateless children have a relatively straightforward claim to citizenship, they face an average wait time of 872 days for their application to be processed.[63]

c) Lack of Data Concerning Australia's Stateless Population:

The final key issue identified in our research is more fundamental; the exact number of stateless persons in Australia — including children eligible to apply for citizenship — is unknown. This is due to a lack of a coordinated or consistent approach to recording such persons.[64] Underscoring this gap in comprehensive data regarding Australia's stateless population is the fact Australia does not have a procedure within its legislative framework to identify and protect stateless persons, an implicit requirement for effectively meeting obligations under the 1954 Convention identifying stateless people.[65]

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[62] Ibid. See also *Form 1290: Application for Australian Citizenship* (Form, Department of Home Affairs, August 2021) <https://immi.homeaffairs.gov.au/form-listing/forms/1290.pdf>.

[63] Information obtained by the author in a response to a *Freedom of Information Act 1982* application, received 1 July 2020 (copy on hand with author).

[64] Michelle Foster, Jane McAdam and Davina Wadley, 'Part One: The Protection of Stateless Persons in Australian Law: The Rationale for the Statelessness Determination Procedure' (2016) 40(1) *Melbourne University Law Review* 401, 416. By the end of 2022 there were 8314 people identified as stateless in Australia, however, in absence of an SDP this figure is limited to stateless persons held in immigration detention and those self-identifying as stateless through the 'Onshore Humanitarian Visa' application process and is therefore 'not an estimate of statelessness in Australia': Statistics and Demographics Section, UNHCR, *Global Trends: Forced Displacement in 2022* (Report, June 2023) 'Annex Table 5 Persons under UNHCR's statelessness mandate 2022' <https://www.unhcr.org/sites/default/files/2023-06/global-trends-report-2022.pdf>.

[65] Foster, McAdam and Wadley, 'The Protection of Stateless Persons in Australian Law: The Rationale for the Statelessness Determination Procedure' (n 64) 421. As noted by the UNHCR: 'Whilst the 1954 Convention establishes the international legal definition of 'stateless person' and the standards of treatment to which such individuals are entitled, it does not prescribe any mechanism to identify

IV Targeted Responses to Address Unmet Legal Need – The Stateless Legal Clinic

The next section of this article will outline the key measures introduced to address the above issues identified, namely, the establishment of the Stateless Legal Clinic.

(i) Stateless Legal Clinic – Establishment and Design

In response to the observed experience in legal practice and subsequent research pertaining to the legal need of Australian-born stateless children discussed in Part II of this article, the Stateless Legal Clinic (initially known as the 'Stateless Children Legal Clinic') was established in 2021 at the Melbourne Law School. The Clinic operates as a partnership model between the Melbourne Law School Clinics, the Peter McMullin Centre on Statelessness, and the Refugee Advice Casework Service (RACS).[66] In 2023, the Clinic expanded to also partner with community legal service Refugee Legal.[67]

The Clinic was initially run as a pilot internship program, which provided an ideal setting to test and develop the program's curriculum and essentially 'incubate' the

stateless persons as such. Yet, it is implicit in the 1954 Convention that States must identify stateless persons within their jurisdictions so as to provide them appropriate treatment in order to comply with their Convention commitments': UNCHR, 'Handbook on the Protection of Stateless Persons under the 1954 Convention Relating to the Status of Stateless Persons' (Handbook, 2014) 6 [8] <https://www.unhcr.org/dach/wp-content/uploads/sites/27/2017/04/CH-UNHCR_Handbook-on-Protection-of-Stateless-Persons.pdf>.

[66] RACS operates their involvement in SLC through their Stateless Children Program: 'Our legal services', *Refugee Advice & Casework Service (RACS)* (Web Page) <https://www.racs.org.au/legal-services>.

[67] Refugee Legal partner with the Clinic on matters relating to stateless adults and RACS is focused on stateless children: ibid; 'What We Do', *Refugee Legal* (Web Page) <https://refugeelegal.org.au/about-us-2/what-we-do/>. The Stateless Legal Clinic also works collaboratively with a range of national community legal centres, including the ASRC and Circle Green.

concept for the clinical subject. Following a successful pilot period, the Clinic was offered as a JD clinical legal education elective subject in 2023.[68]

The Clinic curriculum aims to provide students with a 'legal apprenticeship' that prepares them for the varied demands of professional legal work.[69]

The subject comprises of three main learning components that mirror the curriculum proposed in the highly influential "Carnegie Report" published by the Carnegie Foundation for the Advancement of Teaching in 2007:[70]

- Theory and doctrinal analysis: Statelessness Law (providing the basis of professional growth);[71]
- Practical: legal skill development, training and casework (leading to acting with responsibility for clients); [72] and

[68] The SLC is deeply grateful for the generous support of the Cameron Foundation, which makes its work of supporting stateless adults and children in Australia possible. The model of the Stateless Legal Clinic builds upon other Clinic's established at the Melbourne Law such as the Sustainability Business Clinic established by Dr Brad Jessup (see Brad Jessup and Claire Carroll, 'The Sustainability Business Clinic – Australian Clinical Legal Education for a "New Environmentalism" and New Environmental Law' (2017) Environmental and Planning Law Journal 36(4), 542) and the Disability Human Rights Clinic established by Anna Arstein-Kerslake (see Yvette Maker, Jana Offergeld and Anna Arstein-Kerslake, 'Disability Human Rights Clinics as a Model for Teaching Participatory International Human Rights Lawyering' (2018) 25(3) *International Journal of Clinical Legal Education* 23.

[69]William M Sullivan et al, 'Educating Lawyers: Preparation for the Profession of Law' (Summary, The Carnegie Foundation for the Advancement of Teaching, 2007) 10 <http://archive.carnegiefoundation.org/publications/pdfs/elibrary/elibrary_pdf_632.pdf>.

[70] Ibid.

[71] Ibid 9.

[72] Ibid 10.

- Development of legal identity: Careers in statelessness and human rights law (exploration and assumptions of the identity, values and dispositions consonant with the fundamental purposes of the legal profession). [73]

In order to better prepare students for the varied demands of professional work, the Carnegie Report identified that students need a dynamic curriculum that moves back and forth between understanding and enactment, experience and analysis.[74] The Stateless Legal Clinic aims to blend the above three pillars of the curriculum to provide a rich learning experience for students that prepares them for legal practice, while also serving members of the community and supporting community legal partners.

Each component of the subject's curriculum is discussed in more detail below.

a) Component 1 – Theory and Doctrinal Analysis: Statelessness Law

'Statelessness studies' is a relatively new and emerging discipline.[75] Publishing the first comprehensive analysis of the 'state of statelessness' in Australia in 2017, Michelle Foster, Jane McAdam and Davina Wadley noted that despite Australia's active role in the formulation of the relevant international legal treaties, and its early ratification of them, at the time of publication there was 'virtually no academic analysis or research on the extent, predicament or protection of statelessness in Australia.'[76]

[73] Ibid 8–9.
[74] Ibid 8.
[75] Michelle Foster and Laura van Wass, 'Editorial' (2019) 1(1) *Statelessness & Citizenship Review* 1; David Baluarte, 'The Arrival of 'Statelessness Studies'' (2019) 1(1) *Statelessness & Citizenship Review* 156.
[76] Foster, McAdam and Wadley (n 64) 404.

Despite the 2014 observation by Mark Manly and Laura Van Wass that 'there is enough activity to conclude that statelessness has "arrived" as a recognized focus of both academic and policy orientated study,'[77] the list of subjects and courses dedicated exclusively to teaching this topic at universities remains relatively sparse.[78] Academic work on this topic, however, has flourished over the past decade, with David Baluarte citing the 'precipitous rise in scholarly work with practical and theoretical applications' as signifying the 'emergence' of statelessness studies as a field.[79]

Having identified a clear need for a legal service to assist Australian-born stateless children to apply for Australian citizenship, the next step was to consider course design, with a focus on theoretical content to compliment the subject's emphasis on experiential learning. At the outset, I consulted with members of other academic programs currently, or previously offering subjects through which students provide(d) legal support to stateless persons, who generously shared invaluable general advice on establishing a new subject of this nature.[80]

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[77] Mark Manly and Laura Van Waas, 'The State of Statelessness Research: A Human Rights Imperative' (2014) 19(1–2) *Tilburg Law Review* 3, 4.

[78] There are several examples of stateless legal clinics around the world: Liverpool Law Clinic (UK), Baze Law Clinic (Nigeria), Stateless Clinic at Diego Portales University and Alberto Hurtado University (Chile), the Statelessness Legal Clinics (SLC) partnership project between three universities in Naples, Rome and Turin funded by UNHCR (Italy), mobile legal clinic at Catholic University of Mozambique (UNHCR partnership), United Stateless' Clinic (in partnership with Towson University and Columbia School of International and Public Affairs) (USA), Human Rights and Migration law clinic at Ghent University (Belgium), and Legal Clinic at Pristina University "Hasan Pristina" (UNHCR partnership). I note that there are a number of programs that incorporate statelessness into a broader focus on (often) associated topics such as immigration as opposed to stand alone subjects focused exclusively on statelessness in JD curriculums.

[79] Baluarte (n 75).

[80] I wish to acknowledge and thank Judith Carther of the Liverpool Law Clinic at the University of Liverpool and Associate Professor David Baluarte of the Washington and Lee University School of Law

The doctrinal component of the course aims to provide students with an understanding of statelessness law internationally, regionally and domestically, drawing primarily on the expertise of members of the Peter McMullin Centre on Statelessness, as well as other scholars and external experts. The subject recognizes the interdisciplinary nature of 'statelessness studies,' heeding the caution of scholars such as Lindsey N Kingston that we must resist the temptation of viewing the issue as a solely legal one, as opposed to one intricately connected to broader political and social concerns.[81]

The course includes topics such as:[82]

- The meaning of nationality in international law;
- The core international treaties relevant to statelessness;
- The right to nationality and deprivation of nationality;
- Childhood statelessness;

who both generously shared their time, expertise, learnings and insights with me regarding their respective involvement and leadership in the space of the respective stateless legal clinics they are / have been involved in. These consultations provided invaluable insights and guidance regarding the subject design in general, noting that the Australian context is unique and distinct, and as such, the Stateless Legal Clinicrequired unique considerations and design.

[81] Lindsey N Kingston, 'Expanding Statelessness Scholarship: The Value of Interdisciplinary Research and Education' (2019) 1(1) *Statelessness & Citizenship Review* 165, 168. For examples of high quality interdisciplinary contributions to statelessness discourse, see 'Critical Statelessness Studies Blog', *Melbourne Law School* (Web Page) <https://law.unimelb.edu.au/centres/statelessness/resources/critical-statelessness-studies-blog>.

[82] 'Stateless Legal Clinic (LAWS90259)', *The University of Melbourne* (Subject Handbook, 2023) <https://handbook.unimelb.edu.au/2023/subjects/laws90259>. I acknowledge and thank the contribution to this component of the course by Pro Michelle Foster and Prof John Tobin.

- The intersection between refugeehood and statelessness;
- The prevention of statelessness; and
- Statelessness in Australia.

The course also focuses on a range of case studies concerning statelessness or communities at risk of statelessness.[83] It encourages students to consider the settler colonial framework within which concepts of 'citizenship,' 'nationality' and 'statelessness' are considered, particularly within the historical context of Australia.[84] As noted by Maria Giannacopoulos, the form of legal scholarship, at least in relation to 'refugee studies' has remained largely silent on the role played by settler law in establishing and maintaining colonial ordering.[85] It is critically important this is actively challenged within the discipline of statelessness studies.

This component of the course aims to provide students with an advanced knowledge of statelessness law (international and domestic) in order to support students to develop the ability to apply relevant statelessness law to individual client situations.[86]

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[83] I acknowledge the contribution to this component of the course by my colleagues Andrea Immanuel, Sumedha Choudhury, Bongkot Napaumporn and Jade Roberts.

[84] I wish to acknowledge the contribution by my colleague Dr Jordana Silverstein to the course with her guest lecture *'Looking at Statelessness from Within Histories of Australian Settler Colonialism'* and broader contribution to the field.

[85] Giannacopoulos, Maria, 'Nomocide or the Nonperformativity of Colonial Law' in Suzanne Little, Samid Suliman and Caroline Wake (eds), *Performance, Resistance and Refugees* (Routledge, 2023), 159 <https://www.taylorfrancis.com/chapters/edit/10.4324/9781003142782-12/nomocide-nonperformativity-colonial-law-maria-giannacopoulos?context=ubx&refId=855fbeef-22a8-4a82-80aa-0fe41c474185>. See also Hage, Ghassan, *White Nation: Fantasies of White Supremacy in a Multicultural Society* (Taylor & Francis Group, 2000), 14–25, <https://ebookcentral.proquest.com/lib/unimelb/detail.action?docID=652883>.

[86] 'Stateless Legal Clinic (LAWS90259)' (n 82).

b) Component 2 – Practical: Legal Skill Development, Training and Casework

Traditionally, legal education has concentrated on the first component or 'legal apprenticeship' discussed above, related to theory and doctrinal analysis. Priority is placed almost exclusively on providing students with the intellectual training to learn the academic knowledge base deemed important to the profession.[87] This process of enabling students to "think like lawyers" has historically taken place through the medium of the Socratic case-dialogue method of teaching.[88] As observed in the Carnegie Report, this approach has resulted a 'remarkably uniform' legal pedagogy across law schools and a striking conformity in outlook and habits of thought among legal graduates.[89] In order to better prepare students for the varied demands of professional work, the report identified an 'increasingly urgent' need by law schools to bridge the gap between analytical knowledge and practical skills and experience.[90]

Legal skills: Client-Centered Lawyering and Fostering Interpersonal Skills:

The Stateless Legal Clinic aims to bridge this gap by providing students with practical skill development including in the areas of client interview skills, working with

[87] William M Sullivan, 'After Ten Years: The Carnegie Report and Contemporary Legal Education' (2018) 14(2) *University of St. Thomas Law Journal* 331, 334.
[88] Sullivan et al (n 69) 5. See also Jamie R Abrams, 'Reframing the Socratic Method' (2015) 64 *Journal of Legal Education* 562, 563. As observed by Abrams, the Socratic method of teaching law persists universally in law schools: ibid 565.
[89] Sullivan et al (n 69) 6.
[90] Ibid 8.

interpreters, legal writing skills and file management.[91] A particular emphasis is placed on 'relational lawyering,' a kind of lawyering that values a collaborative and mutually respectful relationship between the lawyer and client which recognizes the importance of good inter-personal skills.[92] In teaching students the interpersonal skills essential to modelling what I refer to with students as 'human lawyering,' they are encouraged to adopt a 'client-centred approach' to all aspects of their legal skills development and client interactions. As noted by Binder, Bergman and Price, the client-centred approach involves more than a set of techniques; rather it requires a commitment to looking at problems from a student perspective and making clients true partners in the resolution of their problems.[93]

In accordance with this 'client-centred approach', students of the Stateless Legal Clinic are encouraged to connect with their clients on a 'human level' with the aim of making their client comfortable in the lawyer-client interview setting. For example, students

[91] Michael R Pistone and John J Hoeffner argue that the system wide concentration on an extremely limited range of legal skills has assured what they identify as 'mediocrity' in legal education. See Michael R Pistone and John J Hoeffner, 'No Path But One: Law School Survival in an Age of Disruptive Technology' (Working Paper No 2014-1007, Villanova University School of Law, 2013) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2419451>. As noted by Brent E. Newton, law school courses should emphasise problem solving, risk management and strategic thinking, not just pedagogical "think like a lawyer" training: see Brent E Newton, 'The Ninety-Five These: Systemic Reforms of American legal Education and Licensure' (2012) 64(1) *South Caroline Law Review* 55.

[92] Serena Stier, 'Review: Reframing Legal Skills: Relational Lawyering' (1992) 42(2) *Journal of Legal Education* 303. See Susan L Brooks and Robert Madden, 'Relationship-Centered Lawyering: Social Science Theory for Transforming Legal Practice' (2009) 78 *University of Puerto Rico Law Review* 1; Susan L Brooks, 'Fostering Wholehearted Lawyers: Practical Guidance for Supporting Law Students' Professional Identity Formation' (2018) 14 *University of St. Thomas Law Journal* 412.

[93] David Binder, Paul Bergman and Susan Price, 'Lawyers as Counselors: A Client-Centered Approach' (1990) 35(1) 29. See also Anthony Alfieri, 'Reconstructive Poverty Law Practice: learning Lessons of Client Narrative' (1991) 100(7) *The Tale Law Journal* 2107 and Lucie E White, 'Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs. G' (1990) 38 *Buffalo Law Review* 1.

observe the Clinic supervisor beginning a client call by asking after the well-being of the client and her family and engaging in friendly conversation, with the aim of building trust and rapport with the client and making them comfortable in a manner that will greater facilitate the legal discussion that follows.

In addition to placing the client at ease, it is my observation that engaging in a social interaction of this nature has the dual benefit of also relaxing the student and helping to build their professional confidence. Students often approach the initial client interaction with a high degree of trepidation, stemming from a lack of both professional and personal experience in such a scenario. This is compounded by the fact law students traditionally come from what Fran Quigly describes as a 'disproportionately high level of economically-privileged or at least non-poor backgrounds.' [94] Faced with interacting with a stateless client of a typically vastly different socio-economic background and life experience to them, students in the Clinic are encouraged to engage in what Susan Brooks describes as the process of 'stretching and leaning into discomfort' and to view this as a normal and natural part of learning to become a lawyer.[95]

Prior to engaging in this client interaction, students have often never spoken to a 'real' client in a legal setting, particularly in a way that demonstrates empathy.[96] Up until

[94] Fran Quigley, 'Seizing the Disorienting Moment: Adult Learning Theory and the Teaching of Social Justice in Law School Clinics' (1995) 2(37) *Clinical Law Review* 37, 45.
[95] Brooks (n 92) 427; Quigley (n 94).
[96] Empathy with a client, as defined by Stephan Ellman and others, starts with the expression of the lawyer's understanding of the client's expression of her problems and situation. See, for example,

this point, students have been confined to understanding legal clients through the prism of the case-dialogue method, in which the client's experience is confirmed to a set of 'facts' outlined in a text book.[97] In teaching students the interpersonal skills required to effectively interact with clients, the Clinic draws upon the work of Philip Lynch by recognizing the powerful role lawyers can play in client empowerment and the promotion of human dignity and respect.[98]

Although challenging initially, students identify the experience of meeting and working with clients in the Stateless Legal Clinic as one of the best experiences of their law degree. As stated by one former student –

'The highlight of my Clinic experience was definitely meeting the clients in person. Seeing the children whose claims for citizenship we are assisting with made me realise the tangible significance of the work being done by the Clinic. I found it to be a very energising experience, and one that I think will stay with me for a long time.'[99]

The value and importance of honouring the Lived-Experience of statelessness in subject design and implementation:

Stephan Ellman, 'Empathy and Approval' (1992) 43 Hastings Law Journal 991 (1992) and Ellman as cited by Quigley (n 94) 45.

[97] For a discussion on the features and limitations of the case-dialogue method, see Abrams (n 88) 45.

[98] Lynch, Philip, 'Human Rights Lawyering for People Experiencing Homelessness' (2004) 10(1) *Australian Journal of Human Rights* 4.

[99] Zahraa quoted in 'Stateless Legal Clinic', *Melbourne Law School* (Web Page) <https://law.unimelb.edu.au/centres/statelessness/engage/stateless-children-legal-clinic>. The author has collected data from former students about their experience in the Stateless Legal Clinic as part of her ongoing research into best practice models for addressing the legal needs of stateless communities through legal clinics.

Inherent to the respect with which students are encouraged to foster towards their clients in this subject is an understanding of the intrinsic value the client brings to broader issue of statelessness through their lived experience. Staff and students work closely with Stateless Legal Clinic Ambassador, Fadi Chalouhy, a stateless Australian based man on the curriculum development and implementation of the program.[100] Fadi's engagement in the Clinic is informed by his own experience of growing up stateless in Lebanon; an experience he lived but struggled to identify in the way conceptualized by international legal doctrine or academia.[101]

[100] Mawunyo Gbogbo, 'When no Country in the World Recognises You as a Citizen, Life is an Obstacle', *ABC News* (online, 4 October 2019) <https://www.abc.net.au/news/2019-10-04/what-it-is-like-to-be-stateless/11566518>.

[101] Fadi also provides a guest lecture each Semester in the Stateless Legal Clinic where he shares his personal story of living stateless, and why students should feel motivated to engage in the Clinic and continue this work, should they choose to, in their future careers. In the words of Fadi: *'For 25 years my mother and I struggled to find answers or even understand what statelessness is, and how to fight it.' See Stateless Legal Clinic website.* Fadi's experience is echoed by stateless person and founder of State Free Christiana Bukalo, who calls for efforts to close the knowledge gap between stateless people and research on statelessness. See Christiana Bukalo, 'Knowledge to Empower: Closing the Gap between Stateless People and Statelessness Research', *Critical Statelessness Studies Blog* (Blog Post, December 2020) <https://law.unimelb.edu.au/centres/statelessness/resources/critical-statelessness-studies-blog/knowledge-to-empower-closing-the-gap-between-stateless-people-and-statelessness-research> and Sumedha Choudhury and Thomas McGee, 'Stocktake of Critical Statelessness Studies to date (2020 - 2023): Renewing the Call for Innovative Contributions to the Field', *Critical Statelessness Studies Blog* (Blog Post, November 2023) <https://law.unimelb.edu.au/centres/statelessness/resources/critical-statelessness-studies-blog/stocktake-of-critical-statelessness-studies-to-date-2020-2023-renewing-the-call-for-innovative-contributions-to-the-field>. As noted by Jozefien Boone, existing scholarship on statelessness lacks representation of the people affected by statelessness: see Jozefien Boone, 'A Power Imbalance in Academic Scholarship on Statelessness: A Thematic Analysis of the Academic Literature on Statelessness from 2014 Onwards' (2023) 5(1) *Statelessness & Citizenship Review* 76. For a powerful contribution to scholarship on statelessness by an author directly impacted by the issue, see Lindsey N Kingston and Ekaterina E, 'Responding to Netflix's Stateless Series: Misrecognition and Missed Opportunities' (2023) 5(1) *Statelessness & Citizenship Review* 4.

The chance to meet with people directly impacted by statelessness, including Fadi and the families the Clinic works with, provides students with a powerful learning experience.

As stated by one former Clinic student –

'Interning at the Stateless Children Legal Clinic has been an experience unparalleled with anything else in my three years at law school. The opportunity to engage first-hand with clients has equipped me with a wealth of practical legal skills, and provided me with humbling insights into the challenges faced by stateless persons in Australia.'[102]

The Clinic also prioritizes enrolment placements for students who themselves have lived experience of statelessness in their family, recognizing the potential they have to drive advocacy on this issue as future leaders. These students bring a wealth of insights to class discussions on the issue of statelessness beyond the confines of traditional academic pedagogy and speak proudly of the personal motivations they bring to assisting stateless families in the community.

As stated by 2023 Stateless Legal Clinic student Hanna –

'Growing up, I have always been around the idea of statelessness – and the many implications that such a label entails… Applying for a position with the Stateless Legal Clinic has thus been deeply driven by my lived experiences and interests.'[103]

[102] Claudia quoted in 'Stateless Legal Clinic' (n 99).
[103] Written comment from Hanna Amin to Katie Robertson, 14 November 2022.

In the words of another Stateless Legal Clinic student, Michael;

'I have a unique understanding of statelessness as I am of Palestinian ethnicity – having understood the perils that arise from ethnic displacement from an early age. In addition to making my family proud, assisting people in accessing their basic rights would be an invaluable personal achievement and my first step of many in the field.'[104]

c) Component 3 – Development of Legal Identity: Careers in Statelessness and Human Rights Law

The Carnegie Report identified the failure by law schools to complement the focus on the skills of legal analysis with the effective support for developing students' ethical and social skills.[105] Law school provides the beginning of students' professional competence and identity.[106] Underpinning the focus on legal 'skill' developed by students in the Stateless Legal Clinic (discussed above) is an ongoing reflection on the 'values' the students identify with in terms of best practice lawyering. As noted by Bobette Wolski, in order to develop skills, students must be committed to certain values; they must possess certain qualities and they must demonstrate certain attitudes.[107]

[104] Written comment from Michael Carim Armanios to Katie Robertson, 14 November 2022.
[105] Sullivan et al (n 69) 6.
[106] Ibid 8.
[107] Bobette Wolski, *Skills, Ethics and Values for Legal Practice* (Thomson Reuters Professional Australia Pty Ltd, 2nd ed, 2009) 15. See also Brooks (n 92) 420.

The Stateless Legal Clinic curriculum focuses on developing and supporting students' 'professional identity' formation.[108] It further aims to provide students with an enhanced capacity to utilize the personal attributes and ethical awareness needed to provide legal assistance to stateless people in the Australian community.[109]

As noted by Susan L. Brooks, experiential courses, such as clinics, offer important opportunities for professional identity development.[110] Traditionally, legal education has not encouraged students to actively consider their professional identity; rather, there has been an assumption that this is something that develops 'organically' once they graduate and enter the profession.[111] Scholars such as Field, Duffy and Huggins argue that it is important, however, for this process to begin in law school as it enhances the overall learning process and better supports student psychological well-being, rendering them 'fit' for law school and their future careers.[112]

[108] As noted by Field, Duffy and Huggins, the notion of a professional identity can be 'tricky' to define specifically and involves a complex combination of the values we hold, the expectations that we have of ourselves and behaviours we adopt to meet those expectations when we think about ourselves as a professional person in our chosen work context. See Rachel Field, James Duffy and Anna Huggins, *Lawyering and Professional Identities* (Lexis Nexis, 2nd Ed, 2020) 8.
[109] 'Stateless Legal Clinic (LAWS90259)' (n 86).
[110] Brooks (n 92) 420–1.
[111] Rachel Field, James Duffy and Anna Huggins (n 108) 9.
[112] Ibid 15. Susan L Brooks has observed that the study and practice of law holds itself out as value-neutral, 'a characterization that is both false and hazardous to the health and well-being of law students within a legal education setting that 'too often' undermines self-esteem and wellbeing: Brooks (n 92) 417.

The Stateless Legal Clinic focuses on equipping students to understand the importance of prioritizing their wellbeing and managing vicarious trauma to assist them in both the Clinic environment and their future legal careers. [113]

The high rates of stress and anxiety experienced by members of the legal profession are well documented.[114] A 2019 report by the Victorian Legal Services Board found that overall, psychological distress was experienced widely across the legal profession, with rates of depression appearing to be particularly high among law students as well as solicitors and barristers.[115] Significantly but perhaps not surprisingly, the Report found that the culture of overwork and stress driving the findings of psychological distress in the profession begin in law school.[116] A recurring theme in respondent's reflections on wellbeing in the legal profession was that they had not been trained in the interpersonal and personal coping skills they would need to manage relationships with clients and exposure to vicarious trauma.[117]

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[113] Deeya Haldar and Sarah Katz, 'Preventing Vicarious Trauma and Encouraging Self-Care in Clinical Legal Teaching' in Matthew Atkinson and Ben Livings (eds), *Contemporary Challenges in Clinical Legal Education: Role, Function and Future Directions* (Routledge, 2023) 87, 87–8.

[114] See, for example, IBA Presidential Task Force on mental wellbeing in the legal profession, 'Mental Wellbeing in the Legal Profession: A Global Study' (Report, International Bar Association, October 2021) <https://www.ibanet.org/document?id=IBA-report-Mental-Wellbeing-in-the-Legal-Profession-A-Global-Study>; 'Australia & New Zealand Wellness Survey', (Report, Meritas, 2019) <https://www.swaab.com.au/assets/download/Meritas-Wellness-Survey-Report.pdf>; Janet Chan, Suzanne Poynton and Jasmine Bruce, 'Lawyering Stress and Work Culture: An Australian Study' (2014) 37(3) *UNSW Law Journal* 1062.

[115] Michelle Brady, 'VLSB+C Lawyer Wellbeing Project: Report on legal professionals' reflections on wellbeing in the legal profession and suggestions for future reforms' (Report, Victorian Legal Services Board & Commissioner, 2020) 6 <https://lsbc.vic.gov.au/sites/default/files/2020-07/Lawyer%20Wellbeing%20report.pdf>.

[116] Ibid 9.

[117] Ibid 2.

The Stateless Legal Clinic provides students with specific resources and educational material to support their work in the Clinic and equip them with a greater understanding of the importance of managing vicarious trauma and prioritising their wellbeing in their studies and future careers. This includes a specific seminar delivered by an accredited mental health professional with expertise working with legal professionals, and regular and consistent debriefing sessions with students.[118] The Clinic aims to recognize that as clinical legal educators, we have a unique and valuable opportunity to help change the culture of stress, anxiety and depression in the legal profession, by training students in the importance of wellbeing at the outsets of their careers.

Learning through Reflection:

The Stateless Legal Clinic subject is, at its essence, a Clinical Legal Education (CLE) subject, designed to develop students' capacity to engage in legal practice in this area and build their skills through the process of experiential learning. [119]

[118] Robyn Bradey is a Mental Health Accredited Social Worker who specialises in working with the legal profession on trauma informed practice. See Robyn Bradey, *The Resilient Lawyer: A Manual for Staying Well @ Work* (Manual, Queensland Law Society, 2014) <https://www.qls.com.au/getattachment/c198ec41-5b0b-4702-b236-625231d3b772/booklet-the-resilient-lawyer.pdf>.

[119] The definition of CLE is not settled. As Adrian Evans and his colleagues note, in the Australian context, the concept generally refers to experiential learning that places students in the role of 'lawyers' representing clients with legal problems in a law school setting. Through CLE, law students are confronted with the realities, complexities and demands of legal practice and in doing so, are provided with powerful 'real-life' reference points for learning the law. See Adrian Evans et al, 'Australian Clinical Legal Education: Designing and Operating a Best Practice Clinical Program in an Australian Law School', Australian National University, 2016) 41 <https://library.oapen.org/bitstream/handle/20.500.12657/31597/626828.pdf?sequence=1&isAllowed=y>.

The pedagogy of CLE consists of reflection, self-critique and supervisory feedback through which students 'learn how to learn.'[120] Reflection is widely regarded as one of the most important elements of CLE,[121] with Georgina Ledvinka referring to it as 'the magic ingredient which converts legal experiences into education.'[122]

Reflective practice is embedded into the teaching model for the Stateless Legal Clinic, and is implemented through debriefing, reflective journaling exercises, workshops and individual and group exercises. Reflective practice allows students become more aware of their own thoughts, feelings and reactions with the aim of making more intentional choices and help shape and develop their professional development and identity.[123] The Clinic also encourages students to consider each other as colleagues, and in doing so foster a class culture of collaboration, rather than competition.[124] The smaller class size allows for a seminar model that fosters dialogue between the students and teacher in a way aimed to empower law students to actively participate in class discussion and reflection exercises, including students who may not have the confidence to contribute as fully in a traditional lecture setting.[125]

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[120] Australian clinical legal education models and definitions see ibid. See also Roy Stuckey and others, *Best Practice for Legal Education: A Vision and a Road Map* (Report, Clinical Legal Education Association, 2007) <https://www.cleaweb.org/Resources/Documents/best_practices-full.pdf>.

[121] Evans et al (n 119) 153.

[122] Georgina Ledvinka, 'Reflection and assessment in clinical legal education: Do you see what I see?' (2006) 9 *International Journal of Clinical Legal Education* 29, 29–30.

[123] Brooks (n 92) 427.

[124] See Jenny Morgan, 'The Socratic Method: Silencing Cooperation' (1989) 1(2) *Legal Education Review* 151, 159.

[125] As noted by Jenny Morgan (n 124), critics of the traditionally Socratic methos of teaching have commented on its ability to subordinate students. See ibid; Jennifer L Rosato, 'The Socratic Method and Women Law Students: Humanize, Don't Feminize' (1997) 64(4) *California Law Review* 562.

Career Exploration:

Students are further supported to develop their 'professional identity' through meeting with, and learning from, lawyers practicing in the fields of statelessness and human rights law. Time is allocated throughout the course for lawyers, advocates and experts working in the field of statelessness to meet with the students and share their career journeys.

Speakers also talk candidly with students about their tips for working in the field as well as managing the challenges of working in the legal profession. This component of the course allows students to understand the practical steps towards a career in this field. It also provides students with valuable relationships with professionals and associated networking opportunities. Significantly, it allows students to understand and probe the values that respective guest speakers carry, with a view to understanding how they may seek to adopt certain attributes to inform their professional identity.

V Conclusion

The Stateless Legal Clinic provides an innovative example of how clinical legal education subjects can provide critical legal assistance to groups within the Australian community otherwise overlooked by the law. It also seeks to make a unique contribution to the emerging field of 'statelessness studies' through the prism of experiential learning, whereby students' doctrinal understandings of statelessness

law are greatly enhanced by the ability to develop practical legal skills through the provision of legal assistance to real clients.

CLINICAL LEGAL EDUCATION AND SOCIAL JUSTICE: ASSESSING THE IMPACT ON LAW STUDENTS IN A LAW CLINIC IN NIGERIA

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Abstract

One of the core missions of clinical legal education is to expose students to the legal needs of society while enhancing access to justice for indigent members of the community. This, the University of Ibadan Women's Law Clinic (UI-WLC) does by offering pro bono legal aid to indigent women in the community who lack access to justice. In the process, law students are engaged in clinic experiences involving interaction with real clients and conduct of outreach programs for different target audiences within the community. Through these experiences, it is expected that professionalism, empathy, equality and a sense of fairness is inculcated in the students. Students trained with these values ideally have a strong sense of what is just and fair and are able to choose careers and lifestyles that support their immediate communities. Since its establishment, the UI-WLC has groomed over 960 law students; and currently has about 120 students spread over third, fourth and fifth year students, however, an assessment of the impact of social justice values which the clinic seeks to impart to the students through the training they receive at the clinic has not been carried out. This research seeks to achieve this aim through a mixed methods approach. Using a quota sampling method, 90 law graduates were identified and

interviewed through self-administered pre-tested questionnaires and in-depth interview guides. Two sessions of focus group discussions were also conducted. Findings in this study revealed how participation in the UI-WLC through various activities and programs has had both positive and negative outcomes for the students. It also showed an aspect of group dynamics which has to be improved upon at the UI-WLC to better equip students to impact the society.

Keywords: Social Justice, Women's Law Clinic, Clinical Legal Education

Introduction

Clinical Legal Education is a progressive educational system that is mostly implemented through university-based law faculty programmes to develop better trained and more socially conscious ethical lawyers.[1] It is recognised as a method of teaching law, ethics and professional development[2] and it also implies a method of teaching that has a social justice dimension in most cases.[3] It includes community education projects, such as community lawyering, in-house live client clinics, skills training courses, etc.[4] Clinical legal education has been established and employed in

[1]Lasky B, and Nazeri N. The Development and Expansion of University-based Community/Clinical Legal Education Programs in Malaysia: Means, Methods, Strategies. Human Rights Education in Asia-Pacific p3.

[2] Gibson F. Community Engagement in Action: Creating Successful University Clinical Legal Internship. (2012) African Journal of Clinical Legal Education and Access to Justice. Vol 1: 1-12.

[3] Barry M., Dubin J. and Peter J. Clinical Education for this Millennium: The Third Wave, (2000) Clinical Law Review.Vol 7: 1, 12.

[4] Maisel P. Expanding and Sustaining Clinical Legal Education in Developing Countries: What We can Learn from South Africa (2006) Fordham International Law Journal Vol 30(2) 374-420.

teaching law, ethics, social justice and professional development in Nigeria by the Network of University Legal Aid Institutions (NULAI) and at present, there are established law clinics in many university campuses in Nigeria.[5] Clinical legal education provides law students with life experiences, in order to develop local legal capacity, and help protect human rights in their respective communities.[6] Many of the clinical programs imbibe social justice objectives as a goal through a process whereby students learn by doing and involve themselves with real client or personal interaction. This exposes students to the actions and inner workings of communities and in doing so, gives students, insight into issues affecting marginalized and vulnerable groups of people.

Clinical Legal Education could involve the use of any kind of practical or active training for legal professionals to impact skills such as the ability to solve legal problems using various dispute resolution mechanisms, providing legal representation, recognition and resolution of ethical dilemmas, and promoting justice and fairness.[7]

[5] Oludayo John 'Clinical Legal Education in Nigeria: Envisioning the future ' (2021) Australian Journal of Clinical Legal Education 10(1) 2-15.

[6]Open Justice Initiative. Legal Clinics: Serving People, Improving Justice available at http//www//justiceinitiative.org accessed August 14, 2023.

[7] Wilson, R.J. 1996. Clinical Legal Education as a means to improve access to justice in Developing and Newly Democratic Countries (A paper presented at the Human rights Seminar of the Human Rights Institute International Bar Association, Berlin.

The University of Ibadan Women's Law Clinic (UI-WLC) is located in the Faculty of Law, University of Ibadan. The Clinic focuses on ensuring access to justice for indigent women who cannot afford legal services. The Clinic was established at a time it was greatly needed and prior to its establishment, there was no formal training on social justice and clients counselling for law students in Nigeria. Once this gap became obvious, NULAI proposed an idea to establish law clinics that would benefit of law students in this regard. The rationale behind establishment of Law Clinics was to train students on necessary developmental skills an aspiring lawyer should have. Hence, it is important that students pass through a law clinic so that they are exposed to experiential learning, where students represent actual clients as well as classroom-based pedagogy.

The UI-WLC is a laboratory of learning for students who undergo clinical trainings to enhance their learning process. The students while gaining knowledge through community outreaches are exposed to the problems faced by these groups. They also learn about professional responsibility and develop personal commitment to sustaining the rule of law. Through participation at the clinic, they gain empathy towards solving human right issues and social justice ideas. Therefore, clinical legal education is essential as it enables the students to gain the needed required skills to become ethically conscious lawyers. This article examines the impact which the clinical legal education mode of learning adopted at the UI-WLC has had on law students.

Clinical Legal Education in the University of Ibadan Women's Law Clinic

The Women's Law Clinic is a specialized clinic for women and general issues relating to women. It was established on July 18, 2007, and it has been operating since then. It is a clinic at the Faculty of Law, University of Ibadan and one of its aims is to ensure that women get access to justice. The Clinic renders such services in the University of Ibadan community and the general populace of Ibadan environs. The clinic does not resort to court for matters that come before it but rather, encourages alternative dispute resolution methods that remedies wrongs between parties but at the same time, maintains the integrity and harmony of the parties.[8]

The objectives of the Clinic are to provide pro bono legal services to women who cannot afford legal services in Ibadan; to train law students whilst utilizing the techniques of clinical legal education; to research and document the basic problems on women's access to justice and in addition, to carry out intervention programmes to facilitate women's access to justice. In order to ensure that the goals of the Clinic and also the techniques of clinical legal education are carried out, students participate actively in the Women's Law Clinic under the supervision of staff clinicians/supervisors. Students also embark on community lawyering and street law activities, to identify with community members on their fundamental human rights. The Clinic conducts community outreaches to create awareness and to make legal

[8] Byron I.P. The relationship between social justice and clinical legal education: A case study of the Women's Law Clinic, Faculty of Law, University of Ibadan, Nigeria (2014) International Journal of Clinical Legal Education Vol. 20(2):563- 571.

rights available to those who might need legal assistance on issues pertaining to law. To ensure that community members understand what the Clinic portrays, students have role plays, playlets, short drama presentations and jingles in communities or places where indigent women are in their majority.

The Clinic focuses on the use of interactive teaching methodology, development of practice and practical skills such as counselling, interviewing, negotiating and oral advocacy whilst at the same time, placing emphasis on the ethical dimensions of legal practice.[9] The Clinic organizes seminars and workshops for students and trains them on the ethical aspects of working as a volunteer in the Women's Law Clinic. What the Women's Law Clinic tries to imbibe is to ensure that students look at issues from diverse points of view thus giving them a deeper understanding of how the law works and how it ought to be.

Research Problem

The UI-WLC has been in existence for more than ten years and has groomed a number of students. These students upon graduation settle in different areas of practice both within and outside the country. The association of students with the Clinic is expected to instill into them the skills required to advance the course of justice in the society. Since its establishment in particular, the UI-WLC has groomed over 960 law students;

[9] Bamgbose O. and Olomola O. Clinical Legal Education and Cultural Relativism- The Realities in the 21st Century (2014) International Journal of Clinical Legal Education. Vol. 20(2) 584

and currently has about 120 students spread over third, fourth and fifth year students, however, an assessment of the impact of social justice values which the clinic seeks to impart to the students through the training they receive at the clinic has not been carried out. It is imperative to note that the context within which a pro bono legal clinic operates changes alongside changing societal needs. One of such changing societal needs was occasioned by the COVID -19 pandemic. The pandemic was a global one and its attendant effects were felt all over the world, Nigeria was not left out as the impact of the pandemic was felt on all aspects of her economy as the pandemic brought about the deepest recession in the country since the 1980s.[10] One of the core objectives of clinical legal education at this time is to involve law students in legal aid activities that can make them more responsive and attuned to societal needs. In particular, the socio-economic status of the average Nigerian reduced considerably after the pandemic given the high rates of inflation and economic downturn. An average Nigerian who is hardly able to feed his or her family cannot have access to justice as a result of his status. Law students who have been imbibed with social justice values sue to their exposure to activities at UI-WLC can play an important role in filling this lacuna. A study of this nature is necessary at this time to assess whether the values impacted on the students during their years of legal training has inculcated

[10] Lain J. and Vishwanath T. 2021. The COVID-19 crisis in Nigeria: What's happening to welfare? New data calls for expanded social protection in Africa's most populous country available at http//www.blogworldbank.org accessed on June 7, 2023.

in students the requisite social justice skills needed for building resilience and developing strong connections in the aftermath of the pandemic.

Research questions

This study was guided by the following research questions:

1. What are the components of clinical legal education and what understanding do law student clinicians have of the various components of clinical legal education?

2. What are the components of social justice education and what understanding do law students clinicians have of the components of social justice education?

3. How has participation as student clinicians at the UI-WLC instilled social justice education values into the students?

Materials and Methods

This research adopted a mixed methods approach to elicit opinion of law students on the impact and relevance of clinical legal education and social justice on their training at the University of Ibadan. A total number of 90 students participated in the study. This study sample comprised students in their 3rd, 4th and 5th years of study. The mixed

method approach utilised comprised the use of questionnaires, in-depth interviews and focus group discussions. The questionnaires were administered on the students in the 3rd year of study. The focus group discussion was conducted with students in the 4th year of study and in-depth interviews were held mainly with the students in the 5th year of study. Justification for the mixed approach used is to attempt as much as possible to document the experiences of the students in details and to triangulate their responses. Thus, information obtained from students in a particular class was compared with that obtained from another class of students.

Theoretical Framework

The utilitarian theory lends support to the assessment carried out in this study. While social justice values seek to ensure a fair and equitable society through a fair distribution of resources and opportunities to disadvantaged groups, the utilitarian theory advocates for actions that bring greatest benefits to the greatest number of people.[11] From the origins of the utilitarian theory, equality and impartiality was encouraged and this was achieved by giving more attention to the welfare of those in the upper echelons of society and paying less attention to the needs of those in the lower strata. Utilitarianism is one of the most significant methodologies to normative ethics in the account of philosophy. It is founded on the indication that the moral value

[11] Freeman, M.D. 1996. *Lloyd's introduction to jurisprudence.*6th ed. Sweet and Maxwell, London.

of a deed is simply known through what it impacts on general value in making the most of happiness or pleasure as seen in the populace.[12]

By this theory, the option that gives the highest pleasure or good deeds is selected as the option which has the best value. In other words, the utility of an act is defined by the degree to which it generates greatest happiness principle. The principle pays more consideration to the differing outcome of pursued actions. In so doing, it approves of the pursued actions that have the best results.[13] When applied to the present study, the need to conduct the assessment of the impact of social justice values from involvement with clinical legal education will invariably result in better outcome for the greater majority in the study site. For example, the findings of the study would show areas where better efforts need to be placed to better equip law students for social justice. This would invariably extend to other sectors where the students are relevant.

Study sample and sampling size

A total number of 90 students participated in the study. Seventy 3rd year students were administered questionnaires, two sets of focus group discussions were conducted on

[12] Maultinus, T. Ed. An introduction to the principles of morals and legislation by Jeremy Bentham. The Penguin Dictionary of Philosophy. Retrieved 21 April 2023 from www.utilitarianism.com.
[13] Ibid.

students in the 4th year of study, and in-depth interviews were held with 10 students in the final year class.

Research instruments

The research instruments used in this study include questionnaires, in-depth interview guides and focus group discussion guides. These research instruments were developed after extensive review of literature on the subject of research. The instruments were pre-tested among 20 randomly selected students and feedback obtained was used to further fine tune the research instruments. The questionnaires and interview guides were developed based on the components of social justice education as propounded by Heather W. Hackman. These components include Content mastery, Critical thinking, Group multi-cultural dynamics, Personal reflection and Action for social change.

Ethical considerations

All ethical considerations were observed in the course of this research. This included obtaining informed consent from the students. The nature of the research was carefully explained to the students in clear terms and consent was given after they understood what the research required of them. No name was required for the students who completed the questionnaires, and they were also told that they could

withdraw from the study whenever they wished too. Anonymity of the responses on the questionnaire was ensured by giving each questionnaire an identifiable code number.

Inclusion and Exclusion criteria

The students who participated in this study were selected based on their level of study and length of work as a student volunteer at the UI-WLC, thus, an important criteria for inclusion in the study was that the student must have been actively involved in the clinic activities and various outreach programs. Students who were in the first and second years of study were excluded. In addition to this, students who were not actively involved in the clinic activities and outreach programs were excluded from the study.

Clinical Legal Education and Access to Justice

One of the core foundation values of the UI-WLC is access to justice. Access to justice refers to procedural and substantive mechanisms which exist to ensure that citizens have the opportunity of seeking redress for the violation of their fundamental human rights within the legal system.[14] It is fundamental to a fair and inclusive society where

[14] Access to Justice and Human Rights Protection in Nigeria- Sur. https://sur.connectas.org>access-justice.../ accessed 12 July, 2023.

inequality is addressed because there is inadequate protection of human rights, poor or lack of access to legal services and other inequities in the legal system that have far-reaching consequences for people who are in crisis. People come into contact with the legal system for many reasons, such as domestic violence, family breakdown, debt or mortgage stress, tenancy or employment disputes, and crime. Hence, access to justice includes the rights to fair hearing, access to legal representation in order to protect human rights generally.[15] Clinical legal education therefore gives students a foundation of professionalism and dedication to public service that they carry throughout their careers. The law students experience first-hand the rewards of working for the public interest, which helps to foster the development of a more socially responsible legal profession.[16] The students, whilst in the clinic, get a first-hand experience of how the law works and it inculcates in them the idea that disputes can be resolved fairly and peacefully by using the law.[17]

Research Findings and Discussion

This segment of the article discusses findings from the interviews conducted on the students. The findings are presented based on the components of Hackman's social

[15] Ibid.
[16] Open Justice Initiative, op.cit, at p. 6.
[17] Ibid., at p. 8.

justice education. An aspect of the research findings also focuses on the perception of students on the impact of clinical legal education.

Hackman's social justice education

Heather Hackman[18] proposed a means of teaching social justice from a perspective that meets the commitment to empowering education. This approach utilises a pedagogical lens to affirm social justice values. The tools identified by Hackman include tools for content mastery, tools for critical analysis, tools for social change, tools for personal reflection and an awareness of group multicultural dynamics. Central to these first four tools is the last tool which involves understanding group dynamics of the law clinic and the socially constructed identities of the staff clinicians and students. These tools are more particularly discussed in the sections below.

a. Content mastery

Hackman in his work aptly described the ends to which social justice education serves by identifying the indicators or ends results that can be used as parameters to evaluate how social justice has been met. These indicators were used in this present study and the interview questions were crafted along these indicators which include tools for

[18] Hackman H. Five essential components for social justice education [2005] Equity and Excellence in Education 38 103-109.

content mastery, tools for critical thinking, tools for social action and change, tools for personal reflection and tools for awareness of multicultural dynamics. Possession of skills in line with these parameters would no doubt equip a law student with requisite knowledge of how to build resilience. Content mastery is a vital aspect of social justice education, and it consists of three principal domains: factual information, historical contextualization, and a macro to-micro content analysis. Content mastery being the first component of effective social justice education proposes information acquisition as an essential basis for learning. Without complex sources of information, students cannot possibly participate in positive, proactive social change. [19]

b. **Tools for critical thinking**

Another parameter propounded by Hackman is critical thinking. Critical thinking prepares students to become active agents of change and social justice in their communities. Critical thinking builds on information as part of content mastery. Hackman stated further that mere possession of information alone is not sufficient to empower students for social change. He likened this to the issue of racism in the United States wherein individuals have factual information about racism, nevertheless the knowledge possessed has not translated into social change against

[19] Ibid at p 104.

racism. In other words, there is a link that connects action for social change with information possessed by students. The link described here is critical thinking.

c. Tools for personal reflection

The third aspect in Hackman's component of social justice education is personal reflection. Personal reflection describes a process of self-assessment and self- reflection which necessitates students reviewing their work and reflecting on their learning progress. It involves taking an in-depth look at one's action and decisions and recognising how they have affected oneself and his immediate environment.[20]

d. Action for social change

The fourth component in Hackman's social justice in education is action for social change. While social change refers to the way human interactions, relations, behaviour patterns and cultural norms change over time, action for social change are the inspired steps taken by individuals or groups to influence these human interactions and behaviour patterns. According to Hackman, tools for action and social change are critical in that they enable students move from cynicism and despair to hope and possibility.

[20] Anna Belobony 'Theories on self- reflection in Education' being text of conference proceedings of Asian Conference on Education available at http//www.researchgate.net on 2 December 2022.

e. Group multicultural dynamics

The fifth and last component of Hackman's social justice education values is group multicultural dynamics. This involves a proper understanding of the cultural interplay between the teachers and students and in this present study, the staff clinicians, students and the clients who come to the WLC. An understanding of group multicultural dynamics is essential to the growth of the WLC as the staff and student clinicians emanate from diverse cultural backgrounds. Group work or group assignments such as community outreaches can succeed where intercultural awareness helps group members determine what takes priority in the clinic, be it group decisions on matters of interest in the clinic or the individual interests.

Socio -demographic characteristics of participants

Out of the seventy students that filled the questionnaire, twenty-one were male (30%) and forty-nine (70%) were females. All the students were between the ages of twenty-one and thirty years. Only 4 out of the seventy students were married representing 5.71%. Seven students were Igbos from the south- eastern part of Nigeria and the remaining (63) were Yorubas from the south- western part of Nigeria. The respondents were asked general questions to test their basic understanding of what clinical legal education, social justice, access to justice is and they were also asked questions on the association between their experiences and these concepts. Findings

from the questionnaires were corroborated with the information obtained from the in-depth interviews and the focus group discussions.

On the understanding of the components of Clinical Legal Education and its impact on the students.

The first research question was to document the understanding of law student clinicians of the various components of clinical legal education and how this has impacted on them. The skills which can be imparted via clinical legal education were identified thus: ethics and professional responsibility skills, legal research skills, law office management skills, client interviewing skills, counselling and witness interviewing skills and mediation and conciliation skills.

Out of the 70 students who participated in this research, 63 stated that their work at the clinic gave them more insights about ethics and professional responsibility as well as law office management skills. 56 students stated that they obtained mediation and conciliation skills and legal writing skills respectively. On the other hand, 70 students affirmed that they got legal research skills from their experiences at the clinic. This is presented in the Figure 1 below.

Figure 1: Pie chart showing skills acquired by law students in the UI-WLC

The central goal of clinical legal education has been to provide professional education in the interest of justice and its objective has been to teach students to employ legal knowledge, legal theory, legal skills to meet social and individual needs. To ensure that social justice impacts students, there exists a professional obligation to perform public service to the community to ensure access to justice.[21] The student's feeling of personal responsibility in representing a client can grow into a feeling of social responsibility for the provision of legal services to the poor.[22] In other words, the consciousness of the student is raised because the student would have realised that if not for the clinic, the client would not have access to legal assistance.[23]

[21] Duncan, K. 1970. How the Law School Fails: A Polemic, 1 Yale Rev. I. & Soc. Action 71, 80. See also Byron I.P. op cit 555.
[22] Stephen Wizner. 2001. Beyond Skills Training. Faculty Scholarship Series. Paper 1844 available at https:digiyalcommons.lawyale.edu/fss_papers/1844 accessed 12 December, 2022.
[23] Ibid.

It has often been stated that the objectives of a law clinic would to a great extent determine the output of the organisation. Hyams[24] thus opined that clinics in their mission ought to have a wider view other than mere integration of practical legal skills with knowledge of the law. To Hyams, other additional requirements which a law clinic can include in its mandate include- professional autonomy, professional judgement and commitment to lifelong learning. These, he believed ought to be included in the objectives of a law clinic. One of the mission statements of the UI-WLC is to provide a practical laboratory where law students are trained to put into practice their theoretical knowledge. The responses obtained from the students showed that classroom experiences of the students were mostly reaffirmed as the students narrated their experiences in the clinic. In line with this Arimoro[25] had identified the need to aid students' participation in law clinic activities to imbibe the right skills and prepare them for the rigours of legal practice. He identified interviewing skills, document and motion drafting skills as one of the more important skills to be imbibed. In the Law faculty, the students are trained using simulations as the most widely used mode of teaching. The responses from the students in this study showed that clinic experiences affirmed the simulations from classroom teaching. In the words of one of the students

[24] Hyams, R. 'On teaching students to act like a lawyer: What sort of a lawyer?' [2008] International Journal of Clinical Legal Education 13.21-32.

[25] Arimoro, A. 'Clinical Legal Education: Vision and Strategy for start-up clinics in Nigeria' [2019] International Journal of Clinical Legal Education (26)(1) 132-157 available at papers.ssrn.com accessed 20 September 2023.

> 'Our Family law teacher during my third year of study had once given us a scenario in the class and we were asked to state how we would handle the client… it was a matter bothering on domestic violence, child maintenance and separation leading to divorce. There were a number of things I didn't understand way back then about how to interview and counsel a client who was violent and confused, I initially felt that the best way to handle such clients was through the use of commensurate force and aggression. I only realised what the Lecturer tried to tell us back then when I witnessed a real-life situation similar to the one mentioned in class at the Law Clinic. Now I know better.'
>
> ***(Female/500level/24years)***

Importance and impact of Social Justice

Social justice through access to justice is aimed at educating the neglected members of a community while addressing their legal problems. Social justice is used by clinical law teachers to teach students on how to educate clients on their rights. Social justice is however important not only for its effect upon clients but also because of its effect upon students that pass through the law clinic.[26] As earlier stated, Hackman's components of social justice education served as a guide to determining the impact of

[26] Guggenihetim, M. 'Fee Generating Clinics: Can We Bear the Costs?' [1995] 1 Clinical. Law Review 677, 683.

social justice on the students. The findings here are presented based on each component.

On tools for content mastery and its impact on the students

Content mastery depicts instances where learners can demonstrate the mastery of key aspects of a learned content. Content mastery skills are important because they help to reinforce classroom learning. While in the classroom, law students are taught the theoretical aspects of law, which is meant to be reinforced by the practical aspects from engagements with live clients at the UI-WLC.

To this end, students were asked questions relating to how what they have been taught in the classroom was reinforced by what they experienced while at the clinic.

All the students agreed that volunteer work at the clinic enhanced the theoretical aspects of their learning.[27] Most of the students affirmed that they were able to see more about how human rights was enforced by the practical aspects at the law clinic. A particular student stated as follows:

> 'I saw aspects of reproductive health rights… sexual autonomy… sexual rights

[27] Christen A. Sendur 'Historical contextualization in student's writing' Journal of the Learning Sciences [2021] 30: 4-5.

> and more of what I was taught in my second year of study being played out when women with sexual and domestic violence cases came to the clinic and I had the opportunity of being in session with them.'
>
> ***(Female/400 level student/21years)***

Another student recounted his experience thus:

> 'An interview had been scheduled with a client and I was meant to be there, I knew I just had to do more personal research on the subject matter, the clients did see us as knowledgeable and not just ordinary students, thus I just knew I had to meet up with expectation'.
>
> ***(Male/500level student/23years)***

A student recounted that during clinic outreach programmes, she discovered that lecturers were willing and open to share information with the students beyond what they offered during classroom teaching. This implies that information in classroom teaching is regulated and somewhat apportioned whilst learning beyond classroom environment is likely to be more flexible and robust. In a study carried out by Nguigi and Thinguri,[28] it was discovered that whenever a student is able to interpret and apply the subject matter knowledge learnt in a classroom, it makes a huge impact on

[28] Lydiah N. Kamamia Nelly T. Ngugi and Ruth W. Thinguri 'To establish the extent to which the subject mastery enhances quality teaching to students' teachers during teaching practice' [2014] International Journal of Education and Research 2: 7.

the student and they are enabled to make a contribution to positively change their environment. For another student, her experience was entirely different as she narrated that she saw a scenario during one of her clinic sessions, and while still reflecting on this experience, she encountered the same scenario in her community. It was not difficult for her to know what to do at this instance because she addressed the issue based on how the situation was addressed at the Clinic.

On tools for critical thinking and its impact on the students

Based on this, the students in this study were asked questions on how participation at the clinic through live sessions and community outreaches enabled them to employ critical thinking.

A student narrated thus

> 'Recently, I was on a social media platform, and I read a tweet about a case of domestic violence…consciously and unconsciously, I was spurred to inquire more about the situation… a few years back prior to being a clinician, I wouldn't have done that. Another student spoke about how she was able to through critical thinking connects classroom ideas with solving and responding to societal needs. In his words, I was able to come up with engaging ways and innovative ways such as the use of an online game to teach sex education to a teenage group, before I could do this, I had to understand the

> reasons for teenage pregnancy and early commencement of sexual activities by teenagers in that community. Knowledge of this goes beyond classroom teaching experiences'.

While the UI-WLC has relied extensively on Clinic participation to foster students with tools for critical thinking, another approach to this was utilized in a Malaysian University Law Clinic where it was observed that the hitherto trend of learning via didatic methods was no longer effective as learning process shifted from teacher centered to students focused learning.[29] Mudd's[30] reference to Dressel and Mayhem identified critical thinking tools by reference to the following abilities:

1. Ability to define a problem

2. Ability to select pertinent information for a solution to the problem

3. Ability to recognise stated and unstated assumptions

4. Ability to formulate and select relevant and promising hypotheses

5. Ability to draw conclusions validly and to judge the validity of the inferences[31]

[29] Jaspal kaur Sadhi Singh, Vilmah Balaknrishnam and Darmain Segaran 'Thinking like a lawyer: How clinical legal education transformed the law undergraduate' [2019] (18)(2) HSLJ, 7.
[30] John O. Mudd 'Thinking critically about 'thinking like a lawyer' [1983] (33)(4) Journal of Legal Education, 704-705.
[31] P.L. Dressel and L.B. Mayhew 'General Education: Exploration in Evaluation (American Council on Education) [1954] 179-180.

Findings from this study showed that students were able to define problems from what clients presented at the clinic, they were also able to select the required information to solve the problem from the theoretical learning they received from classroom teaching. However, it is doubtful whether they were able to proffer solutions or draw conclusions based on formulating and selecting relevant hypotheses and judging the validity of the inferences.

On tools for personal reflection and its impact on the students

Various responses were given by the students when questions relating to personal reflection were asked. About fifty percent of the students affirmed that participation at the clinic enhanced personal reflection for them whilst the remaining fifty percent said that they had no reflection on their personal life. Amongst the students who admitted that participation at the clinic enabled personal reflection, a particular student said

> 'I have had the opportunity to reflect on understanding Gender based violence as it occurs in my community, this has made me to realise that there is a need to sensitize people within my environment against that. In addition, through personal reflection, I have come to understand that the lack of understanding about the rights to respect people's bodily integrity has promoted the high incidence of rape…. if so, the onus is on me as a law student to inform and educate my immediate community about the existence of these rights.'

Amongst the students who stated that there was no association between participation at the clinic and personal reflection, one of the students gave reasons for this, he stated that 'all that I do at the clinic and faculty is to enable me fulfill requirements for my graduation and nothing more. I do not allow the issues emanating from the clinic affect my personal life in anyway'. Another student when asked about her experience and personal reflection expressed fear, in her words, what I have seen in reality is enormous and beyond me '…. I wonder if I will be able to do anything related to what I have studied here.' In the view of the authors of this article, for this particular student to have arrived at this conclusion, she must have engaged personal reflection however little.

David Kolb[32] in 2014 conceived the idea of experience being the source of learning development. He thereafter produced a cyclical model for reflective practice which was adapted by Gibbs in a six-step 'reflective cycle.[33] This reflective cycle sets out, in summary, that when reflecting on an interaction with clients, students' needs to think round: describing what happened – what were they thinking and feeling – what was good or bad about the experience – what sense they can make of the situation – what else could be done – if it arose again what would they do? This reflective cycle as

[32] David Kolb 'Experiential Learning: Experience as the source of learning and development' (2014) 2nd edition (New Jersey: Pearson Education.

[33] Gibbs G 'Learning by doing: A guide to teaching and learning methods' (1988) (Oxford: Further Education Unit).

explained above aptly sums up the entire process of personal reflection and the consequence it has on the students.

Casey[34] likened the application of personal reflection to the professional field wherein legal practitioners have to be able to exercise judgement in a quick and efficient manner. This enables the law professional to distinguish or sift out relevant information from the irrelevant ones and to assess the risks associated with different courses of action. The various experiences as narrated by law students at the UI-WLC has in a way enabled the students to sift out relevant information when confronted with similar issues they had faced while at the clinic. A fifth-year student narrated thus:

> 'A student in my hall of residence approached me and said she had been robbed of her possessions on her way from the school area, she was jittery and said so many things and named someone she suspected… my immediate reaction was to calm her down and to pick out the relevant information from all she had said, before I counselled her on the next point of action to take.'

On tools to take action for social change and its impact on the students

Hackman in his work stressed the importance of this component by stating that the traditional notions portrayed in our universities disempower students in the belief

[34] Casey T 'Reflective practice in legal education: The stages of reflection' [2014] Clinical Law Review, 20.

that they (the students) are unable to effect any change in the society or community. This in turn communicates to the students' feelings of cynicism and despair. however, when students are empowered with specific tools for action and social change, they know that they represent the voice for hope in their respective communities. Spurred by this belief, they take actions which vary according to the content and environment. This ranges from taking power via grassroots protests to inter group dialogue through writing and literature development.

When questions relating to how clinic related activities has encouraged social action change in the students, various responses were given, for a particular student, she was able to engage in insightful conversations on domestic violence and thereafter embark on public awareness against domestic violence in her community.

Another student said as follows:

> 'In my community, there are still families that practice female genital mutilation, by virtue of the position I hold in the community as a youth leader, I swung into action and alongside others, we were able to begin sensitization campaigns for families in the community… it was good we did this, because a particular woman who was on the verge of circumcising her female child decided against doing so, we were able to educate her about the ills of carrying out such acts. What started as a small community engagement is gradually becoming bigger. We had another instance where a man who had twins (a boy and a girl) said he was only willing to educate the male child while the female

> child would not go to school. After our intervention, the man was enlightened about the dangers of not educating his children. Now on monthly basis, we hold meetings with mothers where we train families on diverse issues'.

Another student narrated her experience with a neighbour who often assaulted his wife, 'I understood that the problem was because the wife was not gainfully engaged, I knew I had to do something, what I did was to counsel this woman, I advocated for funds for empowerment for her and now she is now financially independent and there is relative peace in her home.'

The phrase 'think globally, act locally' has been an integral part of climate change action. It embodies the idea that rather than wait for grand intervention to fix the world, we should implement environmentally conscious solutions into everyday decisions and actions which can aggregately have a globally transformative effect.[35] When applied to clinical legal education and social justice, this phrase enables students to develop an understanding of how classroom content connects with larger issues in society. In the context of this study, this phrase implies that it is more effective for an individual to take steps within his/her local environment rather than wait for global action to address societal challenges. The phrase becomes more important to the students because societal challenges are constantly changing. In Nigeria, the current economic realities have brought about different societal challenges which

[35] Anne Mikilska 'Think globally, Act locally…think globally again' available at http//www.riskcenter.wharton.upenn.edu acessed on 8 December 2022.

hitherto did not exist. For example, Gomment et al[36] examined the impact of the pandemic and saw it as a threat to the achievement of the Sustainable Development Goals. According to them, the pronounced effect of the pandemic in Nigeria was shown in crime, poverty and unemployment rates and reported that there was an increase in organized crime, rising levels of cybercrime, violent crimes, gender-based domestic violence, spread of poverty to urban areas and increased youth unemployment.

With the aforementioned, there will likely be an increased need for legal representation which student clinicians who have been imparted with social justice skills can possibly meet. It begins with the students taking decisive steps to take individual steps to address societal needs. About 85% of the students who participated in this study had not heard of the phrase 'think globally, act locally before. Amongst the students who had knowledge of the phrase, one said 'as an individual it means that I should not wait for anyone before I take action concerning societal ills and injustice'. Another said 'it means I should focus on my local environment and the small acts I engage in will add up leading to a positive change in my community.'

[36] Thomas Imoudu Gomment, Musa Aboda, Audu Mohammed and Alih Lami 'The impact of COVID-19 pandemic on Nigeria: A substantial threat to the attainment of sustainable development goals [2022] Journal of Sustainable Development in Africa (24)(1) 43-53.

On tools for awareness of group multicultural dynamics

Questions on this aspect were posed to the law students and the depth of responses came from the focus group discussion sessions held with the students. When the students were asked on whose rights were pre-eminent in the groups when assigned to joint tasks in the clinic. The responses of the students varied as students' clinicians in particular those who hailed from other parts of the country (specifically the South-East and the South-West) affirmed that they mostly did not see themselves or their identities as part of the clinic teams. When probed further, two of the students said that in some instances, they saw that their reasoning on topical issues at the clinic was at variance with the opinion of other group members who were in the majority. They attributed this to their cultural upbringing which differed from the cultural background of other members. In other words, cultural barriers made them feel inadequate in their sense of belonging.

Other questions posed to the students during the focus group discussions was to know how they arrived at decisions when given group tasks. In response, the students said that 'majority have their way and minority have their say'. The meaning of this statement was that a greater number had an overriding voice in decision making, which also meant a greater number linked by the same ethnicity. In the other FGD group, which was the male FGD group, the male students added that in certain instances where a major decision was to be arrived at, they could resort to voting where there was a tie, and the team lead had an additional vote to resolve the tie.

An awareness of group multicultural dynamics is essential to the success and training of the students. Findings showed that students from the predominant ethnic group were seen to have higher abilities to trump on the decisions of others in the group, they were also more likely to become impatient where their opinions were not understood. Suffice to say that the ethnic makeup of a group should not be a reason to leave important or critical issues unaddressed or to make any member of a group feel marginalised. Although Hackman's exposition on group multicultural dynamics focused on classroom dynamics, and the socially constructed identities of the teachers and students, Hackman's discussion was relatable to the students' experience at the WLC. It is submitted that understanding these dynamics and how they play out rather than avoiding discussions and debates on them altogether would lead to a more effective and engaging law clinic. In this study, this component has not been well harnessed as the cultural diversity meant to bring in a wealth of experience to group tasks was in fact the main reason behind indecisiveness in the team.

Clinical legal education and social justice education: Implications for future research

Maisel[37] articulated three goals which clinical legal education ought to accomplish, the first being to ensure increased access to justice for previously under-represented

[37] Peggy Maisel, Shaheda mahomed and Meetali Jain ' Clinical Legal Education's contribution to building constitutionalism and democracy in South Africa, present, past and future' [2016] New York Law School Review (60)(2) 433-460.

groups, the second being to advance a system of legal education that ensures future lawyers have the knowledge, skills and values needed to serve the world's complex problems and third a legal profession that is more diverse, skilled and committed to serving social needs. In the aftermath of COVID -19 pandemic, there were reported increase in crimes and vices. Another profound effect of the pandemic was felt in the economic and financial sector, the implication of this is that there is bound to be more members of the society who will be unable to afford legal representation in whatever form it may be required, increased need to sensitize community members about their rights. The importance of the impact of CLE and social justice values on the training of the students come to play here as the training received enables them to take action and steps to influence their communities and also to have a sense of societal responsiveness. This research focused only on students in training and did not capture the impact on students who graduated from the UI-WLC. Another research may be required to document the long- term impact of social justice education values on law graduates.

Findings in this study has shown that participation in the UI-WLC through various activities and programs has had a positive effect on the social values of the students, it has also shown how it has discouraged a few students when they saw practical aspects of what they had been taught in classroom teaching in real life situations. In all, the purpose of clinical legal education has been served, but that is not to say it has achieved its best ends. The students were asked to give suggestions on how the aims

of the UI-WLC can be better furthered. The students opined that there was still more to be done in the area of publicity in order to create more awareness on what the UI-WLC had to offer to the community. It should also be borne in mind that one of the impetus that also gave rise to this research was the changing needs of the society occasioned by the aftermath of the pandemic on virtually all sectors of the Nigerian economy. This was immediately felt in the nature of the cases that were brought to the clinic.

The UI-WLC witnessed a surge in cases of domestic violence, child custody and immigration matters. Ibitoye and Ajagunna[38] had reported in research conducted in the midst of the COVID-19 pandemic and found that the pandemic had both positive and negative impacts on women's sexual autonomy. For the UI-WLC, the focus now should be on training students to make positive impacts through the clinic activities and outreach programs. There is need to conduct more sensitization campaigns in the community to educate the populace on their rights most especially women and children.

[38] Ibitoye T.R. & Ajagunna F.O. 'Sexual autonomy and violence against women in Nigeria: Assessing the impact of Covid-19 pandemic' [2021] De Jure Law Journal 141- 159 http://dx.doi.org/10.17159/2225-7160/2021/v54a9 accessed 31 December 2022.

Conclusion

Social justice values are crucial for students in society as they teach them to value fairness, equality and respect towards others regardless of their background. These skills help promote diversity, inclusion and tolerance which are essential elements in any community. By ensuring that students develop a strong ethics-based education system that integrates social justice principles into the syllabus, we can foster a more cohesive and harmonious society where everyone has equal opportunities irrespective of their socio-economic status or race. This research has documented how the training received through the WLC has had varying impacts both positive and negative in the Clinic. For the positive impacts, these can still be made better and improved upon, However, for the negative aspects as revealed in the findings especially in the area of group multicultural dynamics, there is still a lot more to be done to be done at the UI-WLC. Incorporating social justice values goes beyond what transpires in the classroom as real-life experiences of same have longer lasting life transforming impacts on the students, which can in turn impact on their immediate communities. A lesson learned for the UI-WLC as seen in this research could also serve as a guideline for other established law clinics. It is therefore imperative that educators incorporate these values into their teaching curriculum not only for academic excellence but also for building better human beings.

CLINICAL LEGAL EDUCATION AND THE FUTURE OF PRO-BONO IN NIGERIA: A GUARANTEE FOR ACCESS TO JUSTICE FOR ACCUSED PERSONS AWAITING TRIAL

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Abstract

The idea of access to justice is strongly related to the doctrine of the rule of law, and the effectiveness of a nation's judicial system is mostly evaluated by its citizens' access to justice. Human rights are guaranteed and protected by instruments including the Constitution of the Federal Republic of Nigeria 1999 (as amended). However, when these rights are not protected (fair hearing, access to court) owing to financial constraints and lack of access to legal counsel, justice cannot be guaranteed. The large number of accused persons awaiting trial in Nigeria is ascribed to several factors, including missing files, inability to post a bond or provide surety, delay in the DPP's advice to the police over which case to pursue, the police's failure to promptly investigate and prosecute, among others. In Nigeria, despite the voluntary legal services provided by the government, lawyers, and clinical law students, the legal system towards indigents does not abate. This article explores the problems and potential solutions to providing increased legal aid services to accused persons awaiting trial in Nigeria. An interdisciplinary approach was adopted in this study, where primary data was gathered from prison visits made by Nigerian Law School,

Yola Campus Law Clinic to the Yola and Jimeta medium security correctional centres. The barriers to accessing legal aid in light of the available legal aid services are critically examined here.

1. INTRODUCTION

The phrase awaiting trial has been used to describe individuals that are in prison custody without a formal charge before a Court of competent jurisdiction, and in this paper, it will include those that are in prison custody, that have been charged before a Court, but their cases are still pending in Court while they remain in detention.[1] Some of these detainees remain in prison custody for years before their cases are decided, and sometimes transferred from one judge to another to commence *de novo* due to the retirement, transfer, or elevation of a judge.[2] Therefore, we have a situation where people are in prison or have been in prison for years, but they have not been convicted for any crime, for which they are serving a sentence.[3] It has been submitted that over sixty-five percent of the inmates in Nigerian prisons fall under this category.[4] Such people are generally described in this paper as prison detainees awaiting trial. It is pertinent to state that some people have been detained in police cells for prolonged

[1] Olubiyi I and Okoeguale H. 'The Nigerian Criminal Justice System: Prospects and Challenges of the Administration of Criminal Justice Act, 2015.' *African Journal of Criminal Law and Jurisprudence* 1: (2016).
[2] Okocha U.O. 'Rethinking Trial De Novo in Nigeria: Law Reforms.' *The Nigerian Lawyer.* November 2020.
[3] Joseph O.E., 'Prison Overcrowding Trend in Nigeria and Policy Implication on Health.' *Cogent Social Science* (2021) 7: 1956035 https://doi.org/10.1080/233118862021.1956035
[4] Ibid.

periods, sometimes stretching into months without a formal charge against them before a Court of competent jurisdiction and without committing such detainees into prison custody. [5] Therefore, detainees in the context of this work will include those that are detained in police custody as well as those that are detained in prison custody. The average pre-trial detention period of detainees awaiting trial has been placed at 3.7 years,[6] this goes contrary to the presumption of innocence guaranteed under the Constitution of The Federal Republic of Nigeria.[7] The principle of presumption of innocence enshrined in the Constitution of the Federal Republic of Nigeria, does not presuppose punishing a person for a crime before the person is pronounced guilty of the crime by a court of competent jurisdiction,[8] but the protracted period of detention is in violation of this right.[9] The gravity of the offenses that the individuals are charged with is a determining factor for a consideration of whether they can be admitted on bail or not,[10] and those in Police custody, charged with offenses that are not ordinarily bailable, may remain in Police custody after an investigation of some sort, awaiting

[5] Uwazuruike, Allwell Raphel. '#EndSARS: The Movement Against Police Brutality in Nigeria.' *Harvard Human Rights Journal* (2020) ORCID: 0000-0002-3746-9254.
[6] Ezekwem, U. 'Exploring Non-Custodial Sentencing in Magistrate Courts.' 2017 Orientation Course for Newly Appointed Magistrates. https://nji.gov.ng/images/Workshop_Papers/2017/Orientation_Newly_Appointed_Magistrates/s5.pdf accessed 19th November 2023.
[7] Section 36(5) Constitution of the Federal Republic of Nigeria 1999 (As Amended).
[8] Adeyanju, Folasade O. 'Safeguarding the Legal Provision of the Presumption of Innocence of Pre-trial Detainees.' *Redeemer's University Nigeria, Journal of Jurisprudence and International Law* 3:1 (2023).
[9] Ibid.
[10] Ojeih, C.A. and Udemezue, S. 'An Appraisal of Emerging Issues in the Law and Practice Relating to Bail, Bondsperson and Forfeiture of Recognizance in Nigeria.' *SSRN Electronic Journal* (May 2021).

the Director of Public Prosecution's legal advice.[11] Consequently, some detainees may remain in prison for a term that may be as long as, or even exceeding the jail term if they were convicted for the offense that they were allegedly apprehended for.[12]

1.1. Condition of The Nigerian Prisons

Statistics have shown that about 70 percent of inmates in Nigerian prisons are awaiting trial,[13] this number is not only alarming but is worsened by the conditions of Nigerian prisons which include poor hygiene, overcrowding, and poor feeding among others.[14] The deplorable condition of the prison is responsible for health challenges faced by the inmates, including mental health issues among others.[15] Recreational and rehabilitation facilities are grossly inadequate,[16] defeating the aim of correction and rehabilitation of inmates to become more useful to themselves and society. The government of the Federal Republic of Nigeria has made efforts in trying

[11] Hon. Justice Peter A. Akhihiero. 'Arrest, Remand and Awaiting Trial Syndrome in Criminal Justice: Fixing the Jigsaw to End Prison Congestion.' A Paper Presented at the Law Week of the Ekpoma Branch of the Nigerian Bar Association, July 2018. P.8.

[12] Agwu, Sunday. 'Literacy and Fundamental Rights of Pretrial Detainees in Nigeria.' *Research Gate* (2021). https://www.researchgate.net/publication/351248748.

[13] World Prison Brief. Institute for Crime & Justice Policy https://www.prisonstudies.org/country/nigeria.

[14] Onyekachi, J. 'Problems and Prospects of Administration of Nigerian Prison: Need for Proper Rehabilitation of Inmates in Nigeria Prisons.' *Journal of Tourism and Hospitality* 5:4 (2016) DOI:10.4172/2167-0269.1000228.

[15] Ogunlesi A.O, Ogunwale A. 'Correctional psychiatry in Nigeria: dynamics of mental healthcare in the most restrictive alternative.' *BJPsych Int.*15:2 (2018):35-38. doi: 10.1192/bji.2017.13. PMID: 29953117; PMCID: PMC6020904. Accessed 20th Novemeber, 2023

[16] Obioha, Emeka O. 'Challenges and Reforms in the Nigerian Prison System.' *Journal of Social Sciences* 27:2 (2011): 95-109.

to reverse this trend by establishing the Legal Aid Council[17] saddled with the responsibility of providing *pro-bono* services to indigent clients. The National Human Rights Commission of Nigeria was established to check Human Rights abuses through the investigation and prosecution of cases reported to the Commission.[18] However, the sheer number of clients the Commission has to attend to is overwhelming, coupled with new arrivals into the prisons daily to join the queue of inmates awaiting trial.[19] The Administration of Criminal Justice Act and the Administration of Criminal Justice Laws of the various States[20] is meant to improve the speed at which criminal cases are disposed of, but it seems the impact of the laudable legislation is yet to be seen.[21]

[17] The Legal Aid Council of Nigeria was first established by the Legal Aid Decree No. 56 of 1976, which has been repealed and replaced by the Legal Aid Act, 2011 with the core mandate of providing free legal services to indigent Nigerians. https://legalaidcouncil.gov.ng/historical-profile-of-the-council/.

[18] The National Human Rights Commission of Nigeria was established by the National Human Rights Commission Act 1995 (As Amended), with the mandate of protecting and promoting human rights in Nigeria generally and the rights of pre-trial detainees are one out of several other categories of rights that the commission seeks to protect and promote. https://nigeriarights.gov.ng/about/overview.html.

[19] Ibid n.9 at p.5.

[20] See Administration of Criminal Justice Act, 2015. Section 1 spells out the purpose of the Act, which includes the speedy dispensation of justice and the protection of the rights and interests of the suspect, the defendant, and the victim among others.

[21] Waziri-Azi, F. 'Compliance to the Administration of Criminal Justice Act, 2015 in Prosecuting High Profile Corruption Cases in Nigeria (2015-2017).' *Journal of Law and Criminal Justice* 5:2 (2017).

1.2. The Role of The Police in Administration of Criminal Justice In Nigeria

The Police Act clearly defines the role and responsibility of the Police in Nigeria. Section 4 of the Act in particular provides for the general duties of the Police which includes the preservation of life and property, prevention and detection of crime, preservation of law and order, and the enforcement of laws among others.[22]The manner in which the Police carries out its responsibilities impacts directly on pretrial detainees. The Nigerian Police is known to have prolonged investigation, and reported cases of missing files and critical evidence[23] needed to prosecute a case which accounts in part for prolonged trials in court, and consequently prolonged pretrial detention periods. While investigation, search, and retrieval of missing files, and evidence is ongoing, the defendant is usually committed to prison custody under a remand order,[24] until a bail application is made where appropriate, and bail conditions met. This negatively impacts on the human rights of the pretrial detainees.[25]

[22] See Section 4 Police Act.
[23] Ladapo, Oluwafemi A. 'Effective Investigation, a Pivot to Efficient Criminal Justice Administration: Challenges in Nigeria.' African Journal of Criminology and Justice Studies 5:1-2 (2011): 79-94.
[24] Kanu, Ugocukwu C. et. al. 'Scrutinizing the Constitutionality of Remand Order Proceeding under the Administration of Criminal Justice Legislation in Nigeria: A Comparative Analysis.' *Beijing Law Review* 13:4 (2022).
[25] Madabuike-Ekwe, Ndubisi J and Obayemi, Olumide K. 'Assessment of the Role of the Nigerian Police Force in the Promotion and Protection of Human Rights in Nigeria' *Annual Survey of International & Comparative Law* 23:1 (2019): 19-30.

2. COLLECTION AND ANALYSIS OF PRIMARY DATA

In 2022, the Nigerian Law School Law, Yola Campus Law Clinic did a random survey of the male inmates in Yola and Jimeta medium security prisons, where 31 inmates responded to the survey, and were interviewed. The details of their responses are analysed below. The objective of the survey was;

1. Ascertaining the number of inmates that are awaiting trial.
2. Ascertaining the number of inmates that have access to a lawyer.
3. Ascertaining the period spent in detention be the inmates
4. Ascertaining the nature of the offence for which the inmates are charged with as either bailable or non bailable offences.

1st OBJECTIVE: TO SHOW THE NUMBER OF AWAITING TRIAL INMATES IN THE PRISON POPULATION

Statistics Table 1

Number of Valid	**31**
Mean	**1.06**
Median	**1.00**
Std. Deviation	**.250**

Variance	**.062**

Source: Field Survey, 2022

Frequency Table 2

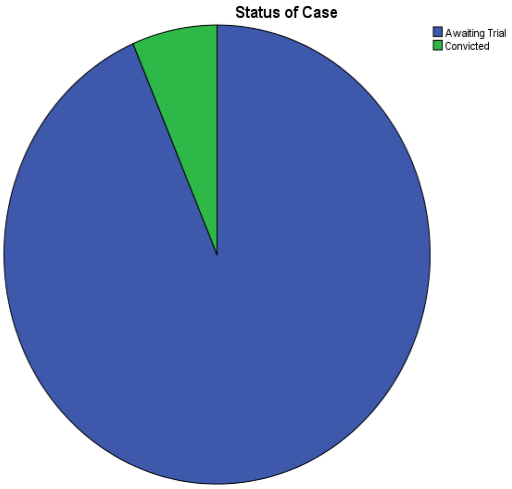
Status of Case

	Frequency	Percent	Valid Percent	Cumulative Percent
Awaiting Trial	**29**	**93.5**	**93.5%**	**93.5**
Convicted	**2**	**6.5**	**6.5%**	**100.0**
Total	**31**	**100.0**	**100.0%**	

Source: Field Survey, 2022

Table 2 above presents the analysis of the status of cases in both Yola and Jimeta prison population awaiting trial. The analysis revealed that 29(93.5%) are all awaiting trial while 2(6.5%) have been convicted already. Therefore, the analysis suggests or shows that majority of the prisoners (inmates) are all awaiting trial.

A PIE CHART DIAGRAM SHOWING THE STATUS OF CASE



2nd OBJECTIVE: TO ASCERTAIN THE NUMBER OF AWAITING TRIAL INMATES THAT HAVE ACCESS TO A LAWYER

Statistics Table 3

Number of Valid	**29**
Mean	**1.90**
Median	**2.00**
Std. Deviation	**.310**
Variance	**.096**

Source: Field Survey, 2022

Frequency Table 4

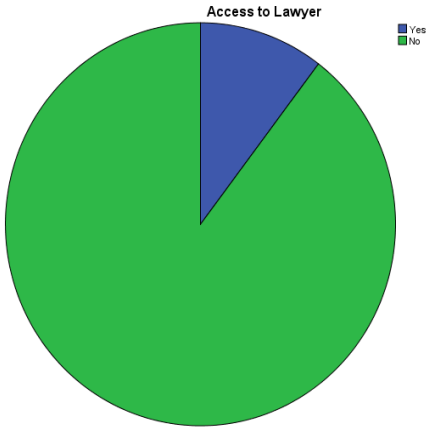
Access to Lawyer

	Frequency	Percent	Valid Percent	Cumulative Percent
Yes	**3**	**10.3**	**10.3%**	**10.3**
No	**26**	**89.7**	**89.7%**	**100.0**
Total	**29**	**100.0**	**100.0%**	

Source: Field Survey, 2022

Table 4 above presents the data analysis of the number of inmates awaiting trial that have access to lawyer in both Yola and Jimeta prison population. The analysis revealed that 3(10.3%) have access to lawyer, 26(89.7%) do not have access to lawyer. Therefore, the analysis suggests or shows that majority of the prisoners or inmates do not have access to a lawyer.

A PIE CHART DIAGRAM SHOWING THE INMATES ACCESS TO LAWYER



3rd OBJECTIVE: TO ASCERTAIN THE PERIOD OF DETENTION SPENT BY INMATES AWAITING TRIAL

Statistics Table 5

Number of Valid	**29**
Mean	**5.48**
Median	**4.00**
Std. Deviation	**4.603**
Variance	**21.187**

Source: Field Survey, 2022

Frequency Table 6

Period in Custody (In three Categories)

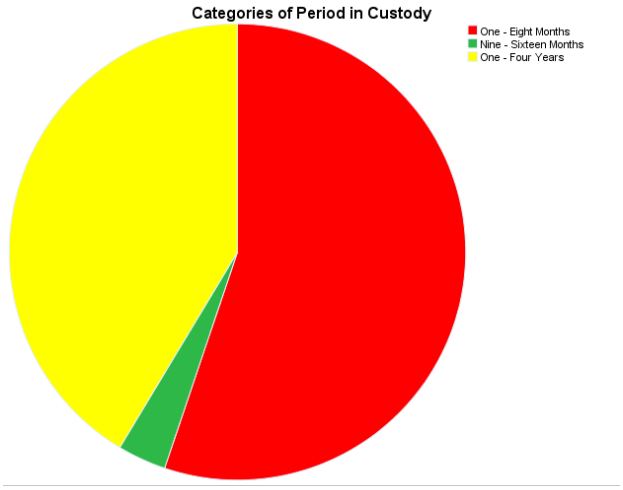
	Frequency	Percent	Valid Percent	Cumulative Percent
One-Eight Months	**16**	**55.2**	**55.2%**	**55.2**
Nine-Sixteen Months	**1**	**3.4**	**3.4%**	**44.8**
One-Four Years	**12**	**41.4**	**41.4%**	**100.0**
Total	**29**	**100.0**	**100.0%**	

Source: Field Survey, 2022

Table 6 above presents the data analysis of the period in custody which was categories into three phases such as One to Eight Months, Nine to Sixteen Months and One to Four Years respectively of inmates (prisoners) in both Yola and Jimeta prisons that are still awaiting trial in the prison population. The analysis revealed that 16 (55.2%) of the population have spent One to Eight Months, 1 (3.4%) of the population have spent Nine to Sixteen Months and 12 (41.4%) of the population have spent One to Four Years and are still awaiting trial respectively. Therefore, the analysis suggests or shows that majority of the prisoners (inmates) have spent One to Eight Months with the following frequency and percentage respectively 16 (55.2%) followed by One to Four Years 12

(41.4%) and Nine to Sixteen Months 1 (3.4%) respectively and they are all still awaiting trial.

A PIE CHART DIAGRAM SHOWING THE PERIOD IN CUSTODY OF INMATES



4th OBJECTIVE: TO ASCERTAIN THE NATURE OF OFFENCE FOR WHICH INMATES AWAITING TRIAL ARE CHARGED WITH

Statistics Table 7

Number of Valid	**29**
Mean	**1.48**
Median	**1.00**
Std. Deviation	**.509**
Variance	**.259**

Source: Field Survey, 2022

Frequency Table 8

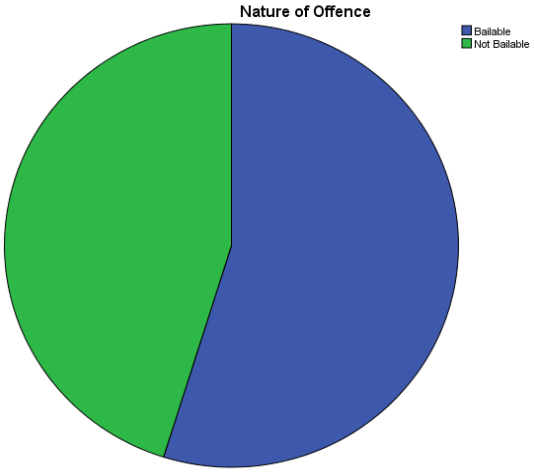
Nature of Offence

	Frequency	Percent	Valid Percent	Cumulative Percent
Bailable	**15**	**51.7**	**51.7%**	**51.7**
Not Bailable	**14**	**48.7**	**48.7%**	**100.0**
Total	**31**	**100.0**	**100.0%**	

Source: Field Survey, 2022

Table 8 above presents the data analysis of the nature of offence of inmates in both Yola and Jimeta prisons that are still awaiting trial in the prison population. The analysis revealed that 15 (51.7%) are bailable while 14 (48.7%) are not bailable. Therefore, the analysis suggests or shows that majority of the prisoners (inmates) are bailable and are still awaiting trials.

A PIE CHART DIAGRAM SHOWING THE NATURE OF OFFENCES OF INMATES



The summary of the above survey is that 93.5% of the respondents were awaiting trial, and out of those that are awaiting trial, 89.7% of them do not have access to a lawyer. In addition, 41.4% of the respondents spent between one to four years in prison, and 48.7% of the population are in custody for bailable offences.

3. STATE OF PRETRIAL DETAINEES IN CUSTODIAL CENTERS

There appears to be a relationship between prolonged detentions and the socio-economic status of the detainee. Most of the detainees that have been in prison custody

awaiting trial for unduly prolonged periods are incidentally indigent individuals,[26] people living under poor conditions, below the poverty line and who cannot afford to retain a lawyer to make a simple bail application on their behalf, how much more briefing a lawyer to handle the case substantively? Such individuals may remain in custody indefinitely unless some interventions are made by various stakeholders.[27] As awaiting trial detainees, there is the possibility that they may not be found guilty for committing the alleged crimes, and some of them eventually die in prison awaiting trial.[28]

3.1. A Clinical Legal Education Approach to the Pretrial Detainee Situation

The despicable state of the Nigerian pretrial detainee situation underscores the need to come up with innovative Law Clinic practices, that will produce more results in terms of the number of awaiting trial detainees whose cases are concluded under the clinical project in view. Not all the Law Faculties in Nigeria have Law Clinics, and where they do, Clinical Activities are restricted to 4th and 5th-year students.[29] Most of the universities have Pre-Trial Detainee Units, with their focus mainly on prison

[26] Omodiyi, Taiye and Oniyinde, Omolade. 'Law Clinic and Access to Justice for Pretrial Detainees in Nigeria.' https://www.researchgate.net/publication/353368484

[27] Some of the interventions made on behalf of indigent pretrial detainees include the visit of the Chief Judge of the state to evaluate and release inmates that have been in custody for a considerable period of time, interventions by the Legal Aid Council, and other organizations including the Law Clinic.

[28] Ayuk, A.A., Owan E.J. and Ekok O.C. 'The Impact of Prison Reforms on the Welfare of the Inmates: A Case Study of Afokang Prison, Calabar, Cross River State, Nigeria. ' *Global Journal of Human Social Science* 13:2 (2013).

[29] Ernest Ojukwu, Odinakaonye Lagi and Mahmud Yusuf. *Compendium of Campus-Based Law Clinics in Nigeria,* Network of Universities Legal Aid Institutions (NULAI), 2014.

visits.[30] At the Nigerian Law School, for example, less than one percent of the student take part in Clinical Activities that involve Pre-Trial detainees. However, more can be done if Nigerian Law Clinics choose to be more innovative in their approach to Clinical Legal Education. This paper, therefore, considers innovative practices by Law Clinics aimed at achieving the dual objectives of Clinical Legal Education, which are experiential learning and access to justice.[31]

4. LEGAL FRAMEWORK FOR ACCESS TO JUSTICE BY INDIGENT DETAINEES IN NIGERIA

It will be very important to consider the legal framework for access to justice by indigent detainees in Nigeria. Justice is meant for everyone, but it must be accessed through the channel of the relevant institutions saddled with the responsibility of dispensing justice, which in most cases is the court.[32] Therefore, a person that cannot afford the services of a competent legal practitioner, to present his case before the Court, will only see justice through the Courts as an illusion, a mirage, unreachable and falling out of reach. For this work, we will consider a few provisions of the Legal Aid Act, 2011, The National Human Rights Commission Act, 1995, The

[30] Ibid.
[31] M.A. (Riette) Du Plessis. "Clinical Legal Education: Determining the Mission and Focus of a University Law Clinic and Required Outcomes, Skills, and Values". *De Jure Law Journal*. 48:2 (2015).
[32] Omidoyin, T.J. 'Law Clinics and Access to Justice for Pretrial Detainees in Nigeria.' *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 10:1 (2019).

Administration of Criminal Justice Act, 2015, The Administration of Justice Commission Act, 2004 and the Legal Practitioners Act, 1975.

4.1. The Legal Aid Council Act 2015

The Legal Aid Council Act, 2011 established the Legal Aid Council of Nigeria, and the provision of free legal services to the indigent client is pivotal in providing access to justice for indigent detainees in Nigeria. The explanatory memorandum to the Legal Aid Act gives us a clear insight into the purpose and intent of the Act. It clearly states as follows;

> …in line with international standards, provide for the establishment of legal aid and access to justice fund into which financial assistance would be made available to the Council on behalf of indigent citizens to prosecute their claims… [33]

In addition to the above, Section 8(1) of the Act provides the areas for which grant of aid could be made by the Council to include Criminal Defence Services, Advice, and Assistance in civil matters including community legal services based on an indigence

[33] Explanatory Memorandum to the Legal Aid Act, 2011. The explanatory memorandum plays the role of a preamble to the Act which gives us the general purpose of the Law and the reasoning for enacting the Law.

test.[34] The question of what the indigence test is, was highlighted by section 10(1) of the Act as any person whose income is not up to the national minimum wage.[35] However, there is a provision for contributory funding of worthy cases for individuals whose income is more than the national minimum wage, even for those whose income is up to ten times the national minimum wage.[36] This, therefore, shows that the Act intends to provide legal services for individuals that have worthy cases and cannot afford to pay for legal services at all as well as those who cannot afford to pay for legal services in full.

The selection of the second category of beneficiaries, which is not purely on the ground of indigency should ordinarily depend on the complexity of the case that will require such huge funding as well as the other financial responsibilities of the individuals with income over and above the national minimum wage which may warrant the assistance of the Legal Aid Council, as well as the socio-political status of the applicant, which may be a factor affecting access to justice by the applicant.

Another key provision of the Legal Aid Act that can be a basis for engagements of the Legal Aid Council and Law Clinics is Section 17 which recognizes law clinics as part

[34] Section 8(1) Legal Aid Act, 2011.
[35] Section 10(1) Legal Aid Act, 2011. The National Minimum Wage in Nigeria is Thirty Thousand Naira per month, which is about seventy US Dollars if converted at the official rate.
[36] See Section 10(3) Legal Aid Act, 2011.

of organizations and bodies that the Council can partner with in providing access to justice.[37] Law Clinics should take advantage of this provision to engage the Legal Aid Council in different ways that can bring about access to justice for more pre-trial detainees.

4.2. The National Human Rights Commission Act (As Amended), 1995

The National Human Rights Commission Act (As Amended), 1995 is another law that is critical in providing access to justice for indigent persons in Nigeria. The Act created the National Human Rights Commission of Nigeria.[38] Section 5 of the Act provides for the functions of the Commission to include dealing with matters that have to do with the promotion and protection of Human Rights as enshrined in the Nigerian Constitution as well as those contained in other treaties that Nigeria is a party to. Section 5(c) of the Act includes assisting victims of the violation of human rights to seek appropriate redress and remedies as part of the core functions of the Commission.[39] Detaining a person without trial is a violation of human rights unless the detention is made according to the provision of extant laws. Therefore, the National Human Rights Commission of Nigeria has a key role to play in providing access to justice for pre-trial detainees in Nigeria.[40]

[37] See Section 17 Legal Aid Act, 2011.
[38] Section 1(1) National Human Rights Commission Act (As Amended), 1995.
[39] Ibid Section 5(c).
[40] Ibid n.23 at p. 107.

4.3. Administration of Criminal Justice Act 2015

One of the biggest innovations in providing access to justice in the criminal justice system in Nigeria is the Administration of Criminal Justice Act, 2015. The Act generally provides for expeditious disposal of criminal cases in Nigerian Courts as well as several provisions to check the abuse of powers of the Police in the administration of criminal justice in Nigeria. Section 1(1) of the Act provides for the Act as follows:

> The Purpose of the Act is to ensure that the system of administration of the criminal justice in Nigeria promotes efficient management of criminal justice institutions, speedy dispensation of justice, protection of the society from crime, and protection of the rights and interests of the suspect, the defendant and the victim.[41]

It is very clear from the wording of the section, what the intention of the Act is. Presently, thirty States and the Federal Capital Territory have passed the Administration of Criminal Justice Law, while the administration of Criminal Justice Act applies to the FCT, with Anambra as the first State to pass the Administration of

[41] Section 1(1) Administration of Criminal Justice Act, 2015. This provision of the Act is *in pari materia* with the provisions of the Administration of Criminal Justice Laws of the various states of the Federation.

Criminal Justice Law in 2010.[42] The ACJA or the ACJL as the case may be replaced the provision of the Criminal Procedure Act in the Southern States and the Criminal Procedure Code in the North which has become somewhat archaic in the administration of criminal justice in Nigeria. Highlights of some of the provisions of the Law include; the number of adjournments that can be taken and the period between one adjournment and another,[43] prohibition of *de novo* on the ground of the elevation of a judge,[44] unlawful arrest and detention including an arrest in place of a suspect,[45] magisterial monitoring of police arrests,[46] alternatives to custodial sentencing,[47] plea bargaining[48] among others.

Most of these provisions have not been explored by the Courts, and legal practitioners, which may be due to the lack of sufficient training of judges and legal practitioners on how to utilize the provisions of the Act under different circumstances. This leaves room for Law Clinics to engage with the various actors in the administration of

[42] ACJL Tracker, Rule of Law and Empowerment Initiative (Partners West Africa Nigeria). https://www.partnersnigeria.org
[43] Section 396 ACJA, 2015.
[44] Section 396(7) ACJA, 2015.
[45] Section 7 ACJA, 2015 prohibits the arrest of a person instead of the actual suspect, so it is unlawful for the Police to arrest family members of the suspect in place of the suspect. Section 18 ACJA, 2015 provides for circumstances under which the police may arrest without warrant, any arrest made outside the given circumstances and without warrant will be an unlawful arrest.
[46] Sections 33 and 34 ACJA, 2015.
[47] Section 460 ACJA, 2015. The section provides for suspended sentencing and sentencing to community service notwithstanding the provision of the law creating the offense and it includes offenses that are punishable for a term exceeding three years.
[48] Section 270 ACJA, 2015.

criminal justice for a speedy disposal of criminal cases and decongestion of the Nigerian prisons.[49]

4.4. Administration of Justice Commission Act 2004

In addition to the above and in a bid to curb the non-availability of access to justice for all, the Administration of Justice Commission Act[50] was enacted to ensure that:

a. courts systems in Nigeria are generally maintained and well-financed;

b. officials of the courts follow the Code of Ethics of their office;

c. matters, particularly criminal matters are speedily dealt with;

d. less congestion of cases in courts;

e. reduction of prisons congestion to the barest minimum;

f. persons awaiting trial are, as far as possible, not detained in prison custody;

g. There is the existence of a cordial relationship and maximum cooperation amongst the departments carrying out the administration of justice for the core effectiveness of the system of administration of justice in Nigeria.[51]

[49] Chukwu, A.O. et.al. 'Administration of Criminal Justice Act 2015: Its Relevance to Law Clinics in Nigeria.' *Journal of Common Wealth Law and Education* (2020).
[50] Administration of Justice Commission Act, CAP. A3 L.F.N. 2004.
[51] *Ibid*. s3.

4.5. The Legal Practitioner Act (As Amended) 1975

Finally, we need to consider the provision of the Legal Practitioners Act (As Amended), 1975. The Legal Practitioners Act is relevant in the Administration of Criminal Justice because a litigant finds audience before the Court through a legal practitioner, and it is a known fact that the services of lawyers could be expensive depending on the nature and complexity[52] of the case, the individual is standing trial, the pedigree, expertise, and skills[53] of the lawyer sought to be engaged in the matter.

The Legal Practitioners Act prescribes who a legal practitioner in determining who can appear and practice before Nigerian Courts. Section 2(1) of the Act provides for who may practice generally in Nigeria as follows: 'Subject to the provision of this Act, a person shall be entitled to practice as a barrister and solicitor if, and only if, his name is on the roll.'[54] A few exceptions are provided for under S2(2) of the Act for those that may practice by warrant of the Chief Justice of Nigeria[55] and that does not include students involved in the activities of a Law Clinic. Thus, it has been argued and recommended that the Legal Practitioner Act should be amended to allow students in

[52] Scale III Schedule to the Legal Practitioners (Remuneration for Legal Documentation and Other Land Matters) Order, 1991. See also Rule 52, Rules of Professional Conduct for Legal Practitioners, 2007.
[53] Ibid.
[54] Section 2(1) Legal Practitioners Act (As Amended), 1975.
[55] Section 2(2) (a) and (b) Legal Practitioners Act (As Amended), 1975. The CJN may by warrant generally permit a person who is qualified to practice in another country with a legal system that is similar to that of Nigeria. Secondly, the CJN may permit a person to practice in Nigeria for a particular proceeding upon payment of a prescribed fee.

a Law Clinics to practice under specified conditions.[56] The Amendment of the Legal Practitioners Act may not be achieved within a short period because of legislative procedures and the political intricacies involved. This calls for innovation on the part of Law Clinics to come up with strategies that would yield cogent and verifiable results.

5. ACCESS TO JUSTICE BY INDIGENT DETAINEES IN NIGERIA.

Access to Justice has two aspects or dimensions, the first aspect is access to substantial justice,[57] while the other is access to Court.[58] A person cannot access substantial justice without recourse to the Courts, that is why the Court of Law is regarded as the last hope of the common man. The Court is a means through which justice can be accessed,[59] the right to fair hearing and the right to fair trial are guaranteed in the Constitution of the Federal Republic of Nigeria,[60] and access to the Court is a condition precedent for obtaining substantial justice.

[56] Bamgbose, O.J. 'Clinical Legal Education in Nigeria: Envisioning the Future ', *Australian Journal of Clinical Education* 10:1 (2021).
[57] Babalola, A. 'Role of a Strong and Independent Judiciary in a Nation (3)' https://www.abuad.edu.ng accessed 20th November 2023.
[58] Welsh, Nancy A. "Remembering the Role of Justice in Resolution: Insights from Procedural and Social Justice Theories." *Journal of Legal Education* 54:1 (2004): 49–59. http://www.jstor.org/stable/42893836. Accessed 20th November 2023.
[59] Letto-Vanamo, Pia. 'Access to Justice: A Conceptual and Practical Analysis with Implications for Justice Reforms.' *IDLO* Voices of Jurist Paper Series 2:1 (2005).
[60] Section 36(1) and (4) Constitution of the Federal Republic of Nigeria, 1999 (As Amended).

However, this may not be the reality for a good number of Nigerians that cannot afford to approach the Courts because of the cost of retaining a lawyer, due to the fact that majority of the populace live below the poverty line and cannot access justice through the Courts, which is considered the privilege of the rich. Access to justice begins with a just society as the principle of justice has to be in the minds of the members of society, and institutions to ensure its security.[61]

Justice is regarded as the fair and proper administration of law.[62] Access to Justice is therefore the ability to make use of the court and other relevant institutions to efficiently protect and enforce rights. Justice is a human need while access to justice is a human right.[63] Justice is naturally expected to be dispensed fairly without fear or bias that is the reason it is expected that the principle of justice is included in the constitution.

5.1. Definition of Justice

Therefore, it is pertinent that we examine the scope and meaning of access to justice and the importance of having effective and efficient access to justice in Nigeria. There

[61] Ibid n. 61.
[62] B. A Garner (ed), *Black's Law Dictionary* (9th Edn. ThompsonWest, New York, 2009) 942.
[63] C.O Oba, Third Party Litigation Funding and Access to Civil Litigation: Prospects and Challenges in Nigeria' (2013) https://www.academia.edu/43980785/Third_Party_litigation_funding_and_Access_to_Civil_Litigation_Prospects_and_Challenges_in_Nigeria

is no universally accepted definition of "access to justice" as the word means different things to different people as a result of its broadness. In the case of *Amadi v Nigerian National Petroleum Corporation*, Kabuki Whyte, JSC opines that no provision in the Constitution gives special privileges to any class or category of persons, any provision aimed at the protection of any class of person from the exercise of the court of its constitutional jurisdiction to determine the right of another citizen seems to be inconsistent with the provision of Section 6(6)(b) of the Constitution.[64] On the other hand, another jurist describes "access to justice" as the political order and the benefit accruing from the social and economic development in the State. Access to justice refers to access to court without restraint.[65]

5.2. Dimensions of Access to Justice

One aspect of discussing access to justice is a lack of clarity about what seems to be the problem. Is it access to justice in the procedural sense, that is, access to legal assistance and processes, or is it access to justice in the substantive sense, that is, access to a just resolution of legal dispute and its problems?[66] Access to justice can be looked at from two main perspectives: the narrow and the wider senses. In the narrow sense

[64] [2000[10NWLR (Pt 674) 76.

[65] N. Okogbule, 'Access to Justice and Human Rights Protection in Nigeria: Problem and Prospects' (2005) *International Journal on Human Rights* https://sur.conectas.org/en/access-justice-human-rights-protection-nigeria/

[66] Deborah L. Rhode, 'Access to Justice: An Agenda for Legal Education and Research ' (2013) 62 *Journal of Legal Education* 531 https://jle.aals.org/home/vol62/iss4/2/

of the term, it can be said to be co-extensive with access to the law courts while in the wider connotation it embraces access to the political order, and the benefits accruing from the social and economic developments in the State.[67]

As a result, access to justice includes other factors such as the venue of the court and the quality of human and material resources available.[68] On the contrary, access to justice entails more than just the ability to appear in court. It includes the availability of means to access justice in all aspects, such as career opportunities, and political, educational, and economic advancement. According to Oputa, access to justice can be viewed in two ways: narrowly or broadly. Access to justice, in its broadest sense, includes access to 'political order and the benefits accruing for social and economic development in the State'. In a narrow sense, access to justice refers to the ability to seek redress in a court of law.[69]

It has been observed that providing equal access to the benefits and protection of the law is one of the most persistently elusive challenges to democratic legal systems worldwide.[70] In the case of *Idris v. Agumga*, the Court of Appeal held that access to the court implies an unrestricted approach or means of approaching the court. According

[67] Chukwudifu A. Oputa, In the Eyes of the Law (Friends Law Publishers, 1992), p. 50.
[68] E. Ojukwu, *et al*, '*Handbook on Prison Pre-trial Detainee Law Clinic*' (Abuja: Network of University Legal Aid Institution, 2012) p. 121.
[69] C.A Oputa, '*Rights in the Political and Legal Culture of Nigeria 2nd Idigbe Memorial Lectures*' (Lagos: Nigerian Law Publications Ltd, 1989), p.50.
[70] Rekosh *et al*, '*Access to Justice: Legal Aid for The Unrepresented Pursuing the Public Interest* ' (New York: Columbia University School of Law, 2001) p.21.

to the preceding judicial dictum, access to justice includes not only the opportunity granted to citizens to approach a court of law but also the availability of resources to approach a court without restraint.[71] Section 17(2)(e) of the Federal Republic of Nigeria 1999 Constitution (as amended) states that 'in furtherance of the social order- the independence, impartiality, and integrity of courts of law, as well as easy access to them, shall be secured and maintained. Section 14 (2) (b) of the same Constitution makes citizens' security and welfare the priority of the government. When the welfare of citizens is pushed to the bottom of the government's priority list, injustice will always take precedence, and access to justice becomes a luxury.[72] Access to the courts cannot thrive in a society where the majority of the population is impoverished due to unequal distribution of the society's collective resources. The current standard of living in Nigeria has revealed that the welfare of the people of Nigeria is never the primary goal of the government.[73]

The International Bar Association (IBA) adopts access to justice as a broad concept that encompasses all stages of the process of resolving civil or criminal justice issues. It begins with the existence of rights enshrined in laws, as well as awareness and

[71] [2015] 13 NWLR (Pt.1417) 441 at 463.
[72] Ogun, Festus, 'Non-Justiciability of Chapter Two of the 1999 Constitution: A Hindrance to Nigeria's Development' (July 30, 2020). Available at SSRN: https://ssrn.com/abstract=3663868 or http://dx.doi.org/10.2139/ssrn.3663868 accessed 20th November 2023.
[73] I. Ig awe & A. Bassey, 'Review of the Impacts of Poverty on Access to Justice in Nigeria' (2021) 12(2) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* https://www.ajol.info/index.php/naujilj/article/view/215407

comprehension of such rights. It includes access to dispute resolution mechanisms as part of both formal (state-established institutions) and informal justice institutions (institutions established by the authorities of a community). The International Bar Association concluded that effective access includes the availability and accessibility of counsel and representation, as well as the ability of such mechanisms to provide fair, impartial, and enforceable solutions.[74]

From the above definitions, one may therefore say that access to justice implies access to social and distributive justice. It is however important to underscore the point that these perspectives are not necessarily disconnected since the extent to which one can have distributive justice in any system is largely determined by the level and effectiveness of social justice in the country. The consequence of this is that any discussion of one aspect of the concept will necessarily entail a reference to one or more components of the other. This is because, without access to justice, it is impossible to enjoy and ensure the realization of any other right, whether civil, political, or economic.

Bearing this in mind, one may therefore say that access to justice simply refers to the substantive and procedural mechanisms existing in any particular society designed to

[74] J. Beqiraj & L. McNamara, 'International Access to Justice: Barriers and Solutions ' (2014) International Bar Association, *Bingham Centre for the Rule of Law Report 02/2014.*

ensure that citizens have the opportunity of seeking redress for the violation of their legal rights within that legal system. It focuses on the existing rules and procedures to be used by citizens to approach the courts for the determination of their civil rights and obligations.

5.3. Access to Justice for The Pretrial Detainee

The term pre-trial detainee is frequently confused with "a prisoner" possibly because a large number of these detainees in Nigeria are held in prison custody alongside prisoners serving a jail sentence within the period of their trial.[75] A pre-trial detainee is a defendant who is being held before trial on criminal charges because the set bail could not be posted or the release was denied.[76]

Pre-trial detainees are frequently held in prison for extended periods, particularly in countries with slow criminal justice administration systems, such as Nigeria. Even worse, some detainees end up staying in prison for longer than the maximum sentence they could have received if convicted of the offense for which they were charged. Nonetheless, there is a clear distinction between a pre-trial detainee and a prisoner. A prisoner is defined by the Nigerian Prison Act as any person lawfully committed to prison custody who has been convicted by a court of law and is serving the terms of

[75] T. Omidoyin & O. Oniyinde, 'Law Clinic and Access to Justice for Pretrial Detainees in Nigeria' (2019) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* https://www.researchgate.net/publication/353368484

[76] Bryan A. Garner (ed.) *Black's Law Dictionary* 8th edition 480

imprisonment ordered by the court.[77] In essence, a prisoner is a person who is legally serving a prison sentence.

On the other hand, a person is regarded as indigent when he/she cannot afford the necessities of life. An indigent detainee is entitled to be provided a legal presentation by the court as the case must be heard in court whether he can afford the representation or not.[78] The provision of the Legal Aid Council Act does not make it a right for an indigent person to be provided with legal assistance, an applicant must meet the indigency, subject to available resources. In capital offences however, it is mandatory for the defendant to be represented by counsel, in the absence of one, the court can appoint one on behalf of the indigent person.[79]

6. THE LAW CLINIC AS A HUB FOR LEGAL ASSISTANCE TO PRE-TRIAL DETAINEES IN NIGERIA

The Network of University Legal Aid Institutions (NULAI) of Nigeria defines a law clinic as a law office in a university managed by law students in the discharge of pro-

[77] CAP P29 LFN 2004.

[78] T. Omidoyin & O. Oniyinde, 'Law Clinic and Access to Justice for Pretrial Detainees in Nigeria' (2019) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* https://www.researchgate.net/publication/353368484

[79] Akingbehin, Emmanuel O. 'Observance of Due Process Rights in Capital Offence Trials: Assessing Nigeria through the Lens of International Instruments.' *Journal of Law and Criminal Justice* 9:1 (2021): 36-51 also see Josiah V State [1985] 1NWLR (Pt.1) 125.

bono or voluntary services and an accused person awaiting trial is a person detained in a prison by the state for an offense committed against the laws of the state before or pending trial.[80] A law clinic has been observed to be the experience-based[81] or service hub of a clinical legal education program that serves as a teaching method that includes both academic and delivery elements.[82] The law clinic is central to both clinical legal education learning and service delivery, and vice versa.[83]

It is a well-known legal principle that a pre-trial detainee is presumed innocent until proven guilty by the court.[84] In essence, the pre-trial detainee is not yet a convicted person as he or she still has the right to be presumed innocent, but their continued detention is an infringement or denial of their rights as a result of the delay in prompt access to justice whether or not guilty of the offense he or she has committed. Some of the rights available to such a detainee include the right to counsel of his or her choice, the right to bail, the right to remain silent, the right to dignified human treatment, and the right to a prompt trial among others.[85] Unfortunately, it has been discovered that

[80] NULAI, "Law Clinics and Pretrial Detainees" http://www.nulai.org/index.php/blog/82-improving-access-to-justice-for-pre-trial-detainees-in-nigeria-project

[81] E. Ojukwu, S. Erugo & C. Adekoya, 'Clinical Legal Education: Curriculum Lessons and Materials ' (2013) 5 *NULAI Nigeria, Abuja* 12-13.

[82] Ernest Ojukwu *et al*, 'Handbook on Prison Pre-trial Detainee Law Clinic' (NULAI Nigeria, Abuja 2012) https://www.academia.edu/40131714/Handbook_on_Prison_Pre_trial_Detainee_Law_Clinic

[83] Sam Erugo, 'Legal Assistance by Clinical Law Students: A Nigerian Experience in Increasing Access to Justice for the Unreported' (2016) 3(2) *Asian Journal of Legal Education* 1-14 https://www.academia.edu/30345466/Legal_Assistance_by_Clinical_Law_Students_A_Nigerian_Experience_in_Increasing_Access_to_Justice_for_the_Unrepresented

[84] s36 *Constitution of the Federal Republic of Nigeria 1999 (as amended).*

[85] Ibid.

such a pre-trial detainee cannot fully enjoy these rights unless a legal service is provided to ensure that these rights are not violated. As a result, if a detainee lacks legal representation while awaiting trial, he or she is almost helpless in the administration of the justice system in Nigeria. To make matters worse, many of these detainees lack basic knowledge of their legal rights. As a result of their ignorance, those who do not have legal representation continue to be unaware that they have rights under the law as accused persons.

From the definition of law clinics given above, law clinics are generally managed by university law students. The students provide legal aid services that ensure pre-trial detainees in Nigeria have adequate access to justice. The students further make provision for them with additional legal services such as companionship for rehabilitation, provision of necessary items for good living, and so on. Law students' exposure to the administration of criminal justice procedures in Nigeria has been observed to help them become better lawyers.

In general, law clinics conduct their operations in a variety of ways, including assisting parties to a dispute in resolving minor disputes, client interviews and counselling, visits to prisons to assist detainees in accessing justice, and visits to police stations to

secure suspect bail.[86] They also take up minor criminal offenses at the Magistrate Court level, make bail applications in capital offenses at the High Court, help prison inmates reconnect with family members, pay advocacy visits to the Chief Judge of the state, pay advocacy visits to the Commissioner of Police in the state, and provide rehabilitation services and counselling to released prison inmates. In some cases, they follow up by providing legal advice to awaiting trial inmates at the Director of Public Prosecutions' office. Similarly, after each prison visit, law clinics usually refer complex cases or capital offenses to the state's Legal Aid Council for further action and follow-up.[87]

It should be noted that the concept of law clinics is to provide law students at the University, and at the Law School who do not yet have a right to an audience before competent courts and tribunals with the opportunity to handle cases under the supervision of qualified members who have been called to the Nigerian Bar.[88] Apart from assisting indigent members of society in accessing justice pro bono, the clinical legal education program also exposes law students to some practical criminal justice administration procedures in Nigeria, thereby assisting law students in becoming better lawyers who, upon becoming lawyers, would be well inclined to render pro

[86] O. Oke-Samuel, 'Clinical Legal Education in Nigeria: Developments and Challenges ' (2008) 17 (1) *Griffith Law Review*, 141.
[87] O. Bamgbose, 'Access to Justice through Clinical Legal Education: a Way Forward for Good Governance and Development ' (2015) *African Human Rights Journal*, 387-388.
[88] Ibid.

bono services to indigent members of society.[89] The purpose of legal aid is to provide all citizens, especially the poor, with access to justice. Poverty has been defined as the inability to participate effectively in society, and in Nigeria it includes the lack of basic amenities like food, clothing, shelter, medical care and education.[90] As a major stakeholder in the criminal justice sector, the law clinic's role is to provide *pro bono* legal services to the community in the areas of legal advice, assistance, and legal representation for crime suspects who are detained or imprisoned. As a result, law clinics in Nigeria seek to supplement the functions of government legal aid agencies.[91]

6.1. The Goal of Legal Aid

The goal of legal aid is to ensure that every litigant has access to justice. In essence, justice should not be based on a litigant's financial capability but should be available to all whether rich or poor when it comes to legal aid. At a conference on the Rule of Law in a Free Society in Delhi in 1959, the International Commission of Jurists declared that "equal access to the law for rich and poor alike is essential to the maintenance of the rule of law.' It is therefore critical to provide adequate legal advice

[89] Ibid.
[90] Ucha, Chimobi. 'Poverty in Nigeria: Some Dimensions and Contributing Factors.' *Global Majority E-Journal* 1:1 (2010): 46-56.
[91] O.S Adelakun-Odewale, 'Role of Clinical Legal Education in Social Justice in Nigeria' (2017) 5(1) *Asian Journal of Legal Education* https://journals.sagepub.com/doi/10.1177/2322005817730148

and representation to all those who are threatened with their life, liberty, property, or reputation but cannot afford it.[92]

Additionally, the overall goal of the law clinic is to provide legal aid to the community. The United Nations Principles and Guidelines define legal aid as "legal advice, assistance, and representation for persons detained, arrested, or imprisoned, suspected or accused of, or charged with a criminal offense, and for victims and witnesses in the criminal justice process that is provided at no cost for those without sufficient means or when the interests of justice so require." Furthermore, the term "legal aid" is meant to encompass the concepts of legal education, access to legal information, and other services provided to individuals through alternative dispute resolution mechanisms and restorative justice processes.[93] Countries, including Nigeria, have aligned with the United Nations' position on legal aid by enacting enabling legislation to improve the provision of legal services to citizens. For example, Nigeria enacted th.

e Legal Aid Act, 2011 and established the Legal Aid Council to provide legal aid or free legal services to indigent Nigerians.[94] However, for many indigents and

[92] The Rule of Law in a Free Society: A Report on the International Congress of Jurists, New Delhi, India, 1959 https://www.icj.org/wp-content/uploads/1959/01/Rule-of-law-in-a-free-society-conference-report-1959-eng.pdf

[93] United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems: General Assembly Resolution 67/187, paragraph 8 https://digitallibrary.un.org/record/748365?ln

[94] Legal Aid Act, 2011 s17(2)

vulnerable Nigerian citizens, access to justice remains a dream that is yet to become a reality to them as most of them are still in custody with those already convicted and serving their sentences.

The United Nations system collaborates with national partners to develop national strategic plans and programs for justice reform and service delivery to improve access to justice. Monitoring and evaluation; empowering the poor and marginalized to seek responses and remedies for injustice; improving legal protection, legal awareness, and legal aid; addressing challenges in the justice sector such as inhumane prison conditions, and lengthy pre-trial detention among others.[95] However, the legal and institutional framework of legal aid schemes in Nigeria is inadequate, resulting in a significant gap in achieving the United Nations' goal of increasing the availability of free legal services and the right to access justice for all human beings. Hence, law clinics across Nigeria help to fill the gap left by government legal aid programs.[96] Despite the help of the law clinics in Nigeria's administration of criminal justice, some limitations or challenges bedevilled the clinicians. Amongst which are:

[95] United Nations and the Rule of Law: Access to Justice https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/

[96] T. Omidoyin & O. Oniyinde, 'Law Clinics and Access to Justice for Pretrial Detainees in Nigeria' (2019) 10 (1) *Nnamdi Azikwe University Journal of International Law and Jurisprudence*, 101-102

a. Right of representation in Court

Under the provision of the Legal Practitioner's Act, only a qualified legal practitioner has the right to practice as a Barrister and Solicitor[97] and with the right to practice comes the right of audience and appearance in any Court in Nigeria provided all requirements are met.[98] Law clinicians, however, do not have these rights as they are not yet qualified to represent detainees in Court. Thus, their impacts are limited in the administration of justice. Law clinicians, therefore, play a significant role in ensuring that these detainees awaiting trial have access to competent legal representation to defend their cases. They can as well approach qualified legal practitioners in the faculty for assistance in taking over detainees' case files in court. The law clinic can also collaborate with the Nigerian Bar Association and the Legal Aid Council to find lawyers who will work on *pro bono* cases as stated in the Legal Aid Act.[99]

b. Lack of financial capability

It is well understood that financial resources are required to fund the activities of law clinics involved in criminal matters. Although, legal services to pre-trial detainees are provided for free, a significant amount of resources are required be it from the University, the Government, the Legal Aid Council, or Non-Governmental

[97] Legal Practitioner's Act, 1975 s.2.
[98] Ibid. s7.
[99] Legal Aid Act, 2011 s17(2).

Organizations. Funding appears to be a common challenge for law clinics globally[100]. Often, Clinical Legal Education is established through seed funding provided by foreign donors. These funds generally have a limited lifespan, and at the expiration of the fund, most clinics become financially constrained. It is of utmost importance to note that when detainees' cases are already on trial, the financial obligation increases because there is always a need to file processes, arrange for logistics on each adjourned date, and mobilize witnesses' transportation costs, and other ancillary expenses required at the trial.

Aside from that, a law clinic is expected to be well-equipped with the necessary facilities, which includes a dedicated office space for the clinic, with spaces or unit for offices, reception and counselling, computer, printers and other Information Technology Equipment including internet, furniture, stationaries etc.[101] It should be just like a standard law firm capable of providing standard legal services. When financial assistance is not made available, it discourages law clinics that provide legal aid services to detainees from their pockets.

[100] See Barbara Preložnjak.and Juraj Brozović 'The Financial Challenges of Clinical Legal Education: an Example from a Zagreb Law Clinic Practice Report, Clinic, the University and Society' 24(2) *International Journal of Clinical Legal Education* 24:2 (2016) in John, Oludayo. 'Clinical Legal Education in Nigeria: Envisioning the Future' *Austrailian Journal of Clinical Legal Education* 10:1 (2021): 2-15.

[101] Arimoro, Augustine, E. 'Clinical Legal Education: Vision and Strategy for Start-up Clinics in Nigeria' *International Journal of Clinical Legal Education,* 26:1 (2019):132-157. DOI: 10.19164/ijcle.v26i1.824, Available at SSRN: https://ssrn.com/abstract=3644584 accessed on 21st November 2023.

c. Limited Access to Detention Facilities by Law Clinicians

Clinicians do not have unhindered access to detention facilities in Nigeria, and insisting to have access on the basis of a right may result in unfriendliness by detaining authorities towards law clinicians posing a major challenge for law clinics in Nigeria in carrying out their humanitarian services to pretrial detainees. Some authors have opined that this could be a result of ignorance, a lack of statutory backing and/or effective implementation of specific legislation establishing law clinics, or other factors unique to each agency.[102]

d. Undedicated Law Clinicians

Aside from lecturers, law students make up the majority of clinicians in university-based law clinics. Many students' casual attitude toward extra-curricular activities has made it difficult to recruit committed and dedicated clinicians for law clinics towards legal aid services, while the volume of cases requiring legal aid out- numbered the number of clinicians in the law clinic.[103] Particularly at the Nigerian Law School where participating in the Law Clinic is purely voluntary, there is no curriculum supporting it apart from the general teaching methodology, and no credit units are awarded for participating in clinical activities.[104] This leaves the majority of the students

[102] T. Omidoyin & O. Oniyinde, 'Law Clinics and Access to Justice for Pretrial Detainees in Nigeria' (2019) 10 (1) *Nnamdi Azikwe University Journal of International Law and Jurisprudence*, 101-102.
[103] Ibid.
[104] Ojukwu, Ernest et.al. *Compendium of Campus Based Law Clinics in Nigeria*, Abuja: Network of University Legal Aid Institutions, NULAI Nigeria (2014) pp 34-40.

disinterested in the activities, as it is viewed a distraction from the voluminous work at the Law School.

7. SOLUTIONS

a. Right of representation in Court:

Changing the present law that prohibits anyone not admitted to the Nigerian Bar from practicing as a lawyer would be essential in improving access to justice. These provisions need to be amended and exceptions are created to accommodate law clinicians. It could be reviewed to enable supervisors (in this case, lawyers) to appoint their students to serve as student attorneys in some issues. The possibility of having student clinicians, particularly those in their final level, represent clients under the directives of their supervisors is desirable in achieving access to justice.[105] The process of amending the existing laws could be cumbersome and time consuming in view of the politics that is involved in the process.

b. Undedicated Law Clinicians

As noted above, CLE is advanced in Nigeria through the efforts of NULAI.[106] Unfortunately, the Benchmark Minimum Academic Standard (BMAS) of the National

[105] O. Bamgbose, 'Access to Justice through Clinical Legal Education: a Way Forward for Good Governance and Development ' (2015) *African Human Rights Journal*, 400.
[106] NULAI, "Law Clinics and Pretrial Detainees" http://www.nulai.org/index.php/blog/82-improving-access-to-justice-for-pre-trial-detainees-in-nigeria-project

Universities Commission (NUC) which benchmarks the required training and curriculum for legal education in Nigeria has not yet integrated CLE as a compulsory course to be undertaken by students while still in school. Furthermore, although institutions may offer CLE among their list of courses, sometimes CLE is not taken within the university. For example, even though Ajayi Crowther University, Oyo, Nigeria, has included CLE in its curriculum as far back as 2014, the course has never been taken.[107] The experience at the University of Ibadan shows a different approach. Students who enrol in clinical activities are graded and their scores are provided as continuous assessment (CA) scores in some regular law courses taken at the penultimate level. In the foreseeable future, CLE should be included as a four-credit unit compulsory course to be taken by students at a particular level, allowing for students to be graded appropriately through their projects and presentations.[108]

6. CONCLUSIONS AND RECOMMENDATIONS

In this paper we have attempted to discuss the regulatory laws on the administration of criminal trials in Nigeria. It also focuses on the current state of Clinical Legal Education in Nigeria while also noting the strengths and limitations of Clinicians in providing legal services to indigent detainees. Efforts have been made to identify possible solutions for consideration in the development of Clinical Legal Education in

[107] O. Bamgbose, 'Access to Justice through Clinical Legal Education: a Way Forward for Good Governance and Development ' (2015) *African Human Rights Journal*, 400.
[108] Ibid.

Nigeria in the future. In achieving the desired and projected solutions described, the following recommendations are made:

1. The management of universities and the Nigerian Law School, should employ full time staff for law clinics, sole reliance on volunteer law school academics will not be sufficient in heralding the envisioned clinical education of the future. In identifying suitable leaders, it is also recommended that graduates of Clinical Legal Education are utilized in the administration of Justice process.

2. Law Clinics in Nigeria should engage other stakeholders such as the Nigerian Bar Association and the Legal Aid Council. Clinics can execute their projects in collaboration with the Nigerian Bar Association (NBA) branch within the jurisdiction where the project is to be executed, so that the NBA branch or Legal Aid Council within jurisdiction can provide the lawyers that will appear in court while the clinicians carry out the research and prepare any process that is required. Other stakeholders in the administration of the justice process include The Police, Chief Magistrates, and Attorneys General. Clinicians can engage the Commissioner of Police for example, concerning identified cases of prolonged pre-trial detainees owing to a delay on the part of the Police, such engagement can fast-track and facilitate the dispensation of justice to indigent detainees. Chief Magistrates are mandated under the ACJA to pay monthly visits to the Police Station within their jurisdiction, where the Chief Magistrate

or the Magistrate assigned by the Chief Judge of the State may give directives for the arraignment of certain detainees or make orders which may include admitting the detainees on bail.[109] The Chief Magistrates do not make the visits as frequently as it is provided under the law. The ACJA provides for these visits on a monthly basis. Through stakeholder engagements, law clinics can facilitate such visits on a regular basis by engaging the Chief Magistrate responsible for such visits.

3. Specialized Law Clinics should be established. Most Law Clinics in Nigeria are general, they do not focus on a particular area of practice. Law Clinics will be able to guarantee access to justice to more indigent pre-trial detainees, if clinics can establish units that will focus on serving pre-trial detainees. The unit should not focus on general criminal litigation, but on pre-trial detainees and services to be rendered by such a unit may include defending such indigent detainees in respect of the charge brought against them, to enforcing their fundamental rights when such detention or continuous detention in violation of their constitutionally protected rights.

4. We opined that our criminal administrative justice system should also adopt the frontloading system applicable in pursuing Civil Causes in our Courts. In frontloading system, cases are prepared in the library before trials. With this system, the Prosecutor and defendant are obliged to reveal their cases before

[109] Section 34 Administration of Criminal Justice Act, 2015

trial, requiring them to exchange pleadings and statements on oath before appearing in court. In other words, where law students have been properly guided by their supervisors in preparing required court processes and documents, the students could play an essential role in assisting indigent clients.

5. We also recommend that our criminal justice system should adopt the the trial by Jury system, where the Jury act as fact finders, and draw a conclusion about whether the defendant has a question to answer in the charge before the Judge. We strongly believe that since a clinician cannot have the right of audience in Court to ventilate the case of an indigent detainee, his involvement as a member of the Jury could help in the administration of criminal justice in Nigeria.

NAVIGATING VICARIOUS TRAUMA: THE IMPORTANCE OF PLANNING, TEACHING, AND DELIVERING VICARIOUS TRAUMA TRAINING TO SUPPORT LAW STUDENTS AND THE LEGAL PROFESSION

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Abstract

The significant effects of Vicarious Trauma (VT) are now being recognised in various professions, including law where the requirement for trauma informed practice'"[1] is now starting to be recognised. VT can be defined as: "a process of change resulting from empathetic engagement with trauma survivors. Anyone who engages empathetically with survivors of traumatic incidents, torture, and material relating to their trauma, is potentially affected"[2]. Trauma- informed practice then focusses on how to work with those who have been impacted by their traumatic experience as a result of exposure to reading, writing, and hearing details of cases that they deal with. This may lead to a one-off feeling of despair or may be the result of the cumulative effect from working constantly with complicated, sensitive, and emotional materials and people. The legal professional may take on the emotions of a client and experience

[1] Victims, Witnesses, and Justice Reform (Scotland) Bill as introduced references the introduction and definition of trauma -informed practice. https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/victims-witnesses-and-justice-reform-scotland-bill/introduced/https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/victims-witnesses-and-justice-reform-scotland-bill/introduced/bill-as-introduced.pbill-as-introduced.pdf (accessed 12th January 2024).

[2] BMA)2022) 'Vicarious Trauma: signs and strategies for coping' available at https://www.bma.org.uk/advice-and-support/your-wellbeing/vicarious-trauma/vicarious-trauma-signs-and-strategies-for-coping accessed 12th January 2024.

trauma that puts them in the place of the individual that they are trying to assist. Certain areas of the profession may be more prone to such experiences, for example criminal lawyers dealing with such cases as murder, manslaughter, and serious sexual offences. These feelings can be overwhelming, even for the most experienced practitioner. VT too, may also be experienced by students participating in Clinical Legal Education (CLE) undertaken in universities, again impacting on those involved in criminal case work where students have their first exposure to complicated and sensitive cases.

This article considers the experience of members of the Criminal Justice Clinic (CJC), within the Open University (OU) and looks at the scope and impact of the VT training that is being delivered and its importance in preserving students' mental well-being. Added is the factor of this being an online only clinic where isolation can also be an issue. There is a need to provide VT training to support the mental welfare of students, and staff alike. This training is paramount to the success of the CJC and is pivotal to any CLE provision and should be expanded to the law curriculum and onto legal practice.

This article argues that the experience in the CJC demonstrates that there is a need for professional legal education to recognise and address the incidence of VT and to provide skills to those who may be affected. Consideration is given to measures that should be adopted in the delivery of CLE to support students participating in pro bono projects. This should carry on beyond university into their future careers. A brief

mention will be made of the provisional results of a small-scale research project in this area. Another article is planned to discuss those results fully in the future.

1 Context

VT affects the legal profession as they handle the inevitable emotions of their client and have to deal appropriately with the sensitive nature of cases. The legal professional may experience the trauma which puts them in the place of the individual they are trying to assist or advise. Often that experience will result in the legal professional involved having a "cognitive or schematic shift, sometimes leading to a change in a world view"[3]. Iverson (2021)[4] notes the need to acquire the relevant skills to handle and recognise the impact of such trauma which is significant.

Whilst consideration is being given in this article to VT, the terms VT, Post Traumatic Stress Disorder (PTSD), Burn Out, Secondary Traumatic Stress (STS) and Indirect Trauma tend all to be used in an interchangeable way.

This article considers whether there is a need to provide training and support in VT to students participating in pro bono criminal legal work through CLE at University. It will consider what VT is, before discussing the background to the decision to provide VT training and support to students undertaking the CJC at the OU. It will go on to detail the experience of running training, and support before discussing the need

[3] James C (2020) 'Towards Trauma-Informed Legal Practice: A Review'. Psychiatry, Psychology and Law. 11;27(2):275 – 299.

[4] Iversen, S & Robertson, N (2021) 'Prevalence and predictors of secondary trauma in the legal profession: a systematic review' Psychiatry, Psychology and Law, 28:6.

for such training being provided in a wider context in higher education and thereafter, the legal profession.

Navigating Vicarious Trauma: The Importance of Planning, Teaching, and Delivering Vicarious Trauma Training and support to law students and the legal profession is a concept that was developed when designing the CJC within the OJC of the OU.

How could the students be protected in an online pro bono law clinic when dealing with serious criminal casework? Research was undertaken in the area of VT and despite there being an understanding of VT in medical roles, there appeared little within the legal profession, higher education in law, and CLE. The research into VT and legal professionals mainly found literature from the US, where the VT term was acknowledged some time ago. It was surprising to find little research specific to VT in the United Kingdom (UK), confirming that the concept of VT has only relatively recently gained traction within the UK legal profession, legal higher education in the UK, and CLE. Therefore, a solution needed to be found within the OU in order to protect students from VT whilst they were working within the CJC and beyond into their professional lives.

Iverson (2021)[5] compared literature on secondary trauma within the legal profession. Nine out of ten articles, published between 2003 and 2019, reported incidence of elevated secondary trauma in the legal profession. Comparative studies reported

[5] Iversen, S & Robertson, N (2021) 'Prevalence and predictors of secondary trauma in the legal profession: a systematic review' Psychiatry, Psychology and Law, 28:6.

higher scores of secondary trauma in the legal profession than any other profession, including psychologists and social workers (Levin and Greisberg ,2003)[6]. It is probably no surprise that criminal lawyers have significantly higher secondary trauma than non-criminal lawyers, (Vrklevski, Franklin (2008)[7]), The amount of the caseload that a lawyer has, contributes to the risk of the incidence of secondary trauma (and the more likely they are to suffer PTSD symptoms (Leclerc(2020)[8]".

These points regarding the incidence of secondary trauma are echoed in James (2020)[9] who details the need for providing support lawyers to deal with this risk through the provision of training and to maintain "supportive connections". One hypothesis that may be drawn from the articles of James (2020)[10] and Iverson (2021[11]) is that training and support provided for psychologists and social workers makes the risks of secondary trauma lower for them than the legal profession, where little, and often no such training and support has historically been provided. These studies demonstrate that there is a need then for VT training and support to be given to legal practitioners

[6] Levin, A, Greisberg, S (2003) 'Vicarious Trauma in Attorneys' Pace Law Review 24, (11), 245-2)

[7] Vrlevski, I, P, Franklin, I (2008) 'Vicarious Trauma: The Impact on solicitors of exposure to traumatic material.' Traumatology, 14(1), 106-118.

[8] Marie-Eve Leclerc, Jo-Anne Wemmers & Alain Brunet (2020) 'The unseen cost of justice: post-traumatic stress symptoms in Canadian lawyers', Psychology, Crime & Law, 26:1, 1-21, DOI: 10.1080/1068316X.2019.1611830.

[9] James C. 'Towards 'Trauma-informed legal practice: a review.' Psychiatry Psychology Law. 2020 Feb 11;27(2):275-299.

[10] James C. 'Towards 'Trauma-Informed Legal Practice: A Review.' Psychiatry, Psychology and Law. 2020 Feb 11;27(2):275 – 299.

[11] Iversen, S & Robertson, N (2021) 'Prevalence and predictors of secondary trauma in the legal profession: a systematic review' Psychiatry, Psychology and Law, 28:6

(James (2020)).[12] it follows on that this should also include those students participating in CLE as that mimic legal practice work.

2 Background

The background of the OU is unique and pivotal to the development of the VT training and support given in the CJC.

The Open University (OU)

The OU has a mission to be: "open to people, places, methods and ideas."[13] The OU has social justice at its core. In essence, this means that students can attend with no prior educational qualifications. The cohort of students is diverse, with 208,308[14] students so that the OU is the leading provider of distance learning education with a reach wider than the UK alone with many international students enrolling as well. It is an important factor to consider given the consequential variety of custom and language that makes for a vibrant community. The OU's vision is to reach more students with life-changing learning that meets their needs and then enriches society.

[12] James C. Towards trauma-informed legal practice: a review. Psychiatry Psychology Law. 2020 Feb 11;27(2):275-299.

[13] https://www.open.ac.uk/about/main/policies-and-reports/mission#:~:text=The%20Open%20University's%20mission%20is,ambitions%20and%20fulfil%20their%20potentia

[14] https://about.open.ac.uk/strategy-and-policies/facts-and-figures accessed 12th January 2024

This ethos underpins curriculum development at every level and is disseminated within every faculty of the OU but most importantly is central to the core of the Law School.

Most of the students study part time, albeit there has been a recent increase in students studying at full time intensity. 71%[15] of the students are employed. A number of students declare that they have caring responsibilities. In addition, in 2020/21 around 37,078[16] students declared a disability. This diverse cohort of students strengthens the OU's reach and ability to introduce students to CLE that have experience of life providing them with a rounded view of their studies. That life experience can benefit the online clients as students empathise and identify with them. It can, on occasion too, mean students themselves are survivors of traumatic experiences and may suffer flashbacks from their own experience when seeking to handle criminal cases. This can be particularly problematic with an online clinic such as the CJC, as it can take longer for students to have the confidence to ask for help.

The Open Justice Centre (OJC)

VT training takes place in the OJC. The OJC sits within the OU Law School (OULS) LS and is a pro bono centre dealing with CLE for the benefit of students and society at large. Indeed, the public interest of society is a taught principle, along with direct practice in understanding the core values of the legal profession such as legal ethics

[15] https://about.open.ac.uk/strategy-and-policies/facts-and-figures accessed 12th January 2024.
[16] https://about.open.ac.uk/strategy-and-policies/facts-and-figures accessed 12th January 2024.

and professional identity. These professional skills are vital to the role of the future lawyer and assists them going forward to employment.

The OJC provides free legal advice and guidance to those who may otherwise struggle to access legal support. It operates primarily online and has various clinics and projects in which students opt to participate. These include a law clinic dealing with civil law matters, digital justice, policy clinic, an international law clinic and the CJC.

Students are either supervised by a solicitor or academic, depending on the project on which they are working. Before undertaking any project, the OJC provides custom designed training to support the student's work, including the use of technology platforms. This ensures an understanding of the necessity of maintaining confidentiality.

The Criminal Justice Clinic (CJC)

The CJC sits within the OJC and is part of the module 'Justice in Action.' This elective module is at the final level of the law degree and student numbers are capped. In 2022/23, the CJC had 54 students out of a total of 202 students for the module. The CJC is the largest clinic and project on the module and a first choice for most students. It is always oversubscribed and has a wait list every year. In 2023, the CJC was shortlisted for a Best New Pro Bono Activity LawWorks and Attorney General Student Pro Bono award.

The CJC is a pro bono project where students research and advise on live criminal cases where the client is in prison maintaining their innocence or protesting that their sentence is manifestly excessive. The students work under the direct supervision of a solicitor. The CJC is part of CLE and experiential in nature as students undertake the equivalent of professional practice in the safety of a university setting. Students are placed into small groups of six or seven and carry out research and apply legal principles to determine whether there may be valid grounds for an appeal. The cases tend to involve the most serious criminal offences such as murder, manslaughter, serious assault, and drugs cases.

The CJC may be the last chance that the client has of having their case reviewed in such detail, having exhausted all other options, and with social justice at its core, it assists those that cannot help themselves (Curryer, E (2020)[17]).

The CJC work is greatly sought after by students who are keen to participate as many seek to be called to the bar or be admitted as a solicitor after graduating with their degree.

In essence, it benefits the students in acquisition of skills such as analytical thinking, case management and application of legal principles to communication and how to explain in plain English how the law applies to the case at the conclusion of their work.

[17] Curryer, E (2022) Pro bono left to pick up the slack Law Society Gazette available at https://www.lawgazette.co.uk/commentary-and-opinion/pro-bono-left-to-pick-up-the-slack/5112947.article accessed 12th January 2024.

These are essential employability skills needed to become a lawyer and promote involvement in wider society in the representation of those who have been convicted and may be innocent. They also allow students to experience group working which many, given the nature of their background to study within the OU have not experienced. It also provides valued practice helping to improve applications for future study as well as underpinning practical examples for competence-based interviews.

In the main, legal higher education requires a focus on academic teaching of core law modules which cover formal legal knowledge. The equipping of students in the softer or 'lawyering' skills required in their future legal practice tends to be part of the post graduate approach in the UK. Some universities provide students with opportunities to undertake pro bono project work, usually but not always non mandatory which helps provide that real life practical experience. Within higher education, CLE is a university's attempt to provide students with an opportunity to acquire legal professional skills in a university environment as part of a law degree or legal studies. If students do not have these opportunities given the difference between the academic study of law and practice, they may go on to find that this is not work which they wish to undertake. Conversely it consolidates that desire to go into the profession to help.

Franz (2023)[18] notes that in CLE, students are taught legal skills and argues that pro bono university clinics are part of legal education but in Germany are still seen as "social service projects"[19]. This is important, especially now in England and Wales with the introduction of a new pathway to qualification as a lawyer where students no longer have to complete a legal practice course as well as a degree but can qualify through practical experience. Students should also acquire the necessary skills for legal professional practice whilst studying. As Hardie et al (2020)[20] note, students can benefit from legal education based on professional practice.

Within the CJC, legal professional practice is brought inhouse and is part of the delivery of the law curriculum in a university setting. It acknowledges the wider context in which higher education sits and it allows for mentoring and development of students and caseworkers looking toward a career in professional practice where they would not otherwise have such an opportunity to work closely with legal academics and practitioners. The CJC aims to level the playing field for students from diverse backgrounds so that all individuals can demonstrate their ability for legal

[18] Franz, H (2023) 'Clinical Legal Education as an Instrument to Adress Access to Justice', International Journal of Clinical Legal Education (2023) vol 30, no 3 available at https://www.northumbriajournals.co.uk/index.php/ijcle/article/view/1279 accessed 20th December 2023.

[19] Franz, H (2023) 'Clinical Legal Education as an Instrument to Adress Access to Justice', International Journal of Clinical Legal Education (2023) vol 30, no 3 available at https://www.northumbriajournals.co.uk/index.php/ijcle/article/view/1279 accessed 20th December 2023.

[20] McFaul, H, Hardie, L, Ryan, F, Bright, K And Graffin, '*TAKING CLINICAL LEGAL EDUCATION ONLINE: SONGS OF INNOCENCE AND EXPERIENCE' available at https://www.northumbriajournals.co.uk/index.php/ijcle/article/view/1052* accessed 12th January 2024.

practice and to help with interview competences when seeking to work in professional practice.

All work and meetings are undertaken online. Students never meet their peers, caseworkers, or supervising solicitors in person. This is key to the OU ethos and aims of supporting students to achieve in education where they might otherwise struggle due to their personal circumstances and responsibilities.

Initially, the CJC was run as an extra-curricular pilot project, open to students undertaking level 3, the equivalent to the last year of a degree course. It was set up in 2021 to provide students with the opportunity to experience the intricacies of criminal practice, to work on a case management system and to understand and further social justice. Before the CJC could commence, various permissions were sought from committees and personnel at the OU because ethics is key to such work prior to commencement.

In 2022, the CJC was incorporated into the Justice in Action level 3 module that students can elect to take as part of their assessed law degree. Students are allocated to teams at random and are unknown to each other prior to their work in the CJC.

In the CJC, students research and advise on live criminal cases under the direct supervision of a solicitor. It is reflective of professional practice, and it does not shy away from allocating them serious matters. Students have therefore worked on murders, serious sexual offences, drugs, and conspiracy cases.

The students consider all manner of evidence from material available at the original hearing. This could include the indictment, witness statements and exhibits, record of police interviews, CCTV, 999 call transcripts, tape recorded statements, video recordings, mobile phone evidence including phone records and cell site analysis, photographs (locus and others), forensic reports, post-mortems, psychiatric and psychologist reports. They may have access to unused material if that has been supplied.

Students read and absorb the extensive case papers before identifying and carrying out research and applying legal principles to determine whether there are any grounds for referral to the Criminal Cases Review Commission (CCRC) or for an appeal to be made. This is often a student's first experience of working on such voluminous, sensitive, and difficult cases and the quantity and quality of such evidence can be a shock. However, it does provide a realistic first insight into what the actual work as a criminal lawyer is going to be like and will be for them if they choose this career path. Organisation is an early acquired skill, otherwise students can become overwhelmed and discouraged at the start. VT training has its role, therefore, even before this stage as seen in the discussion below.

Before attending the CJC, students must undertake mandatory training. This includes:

- a refresher on criminal law and evidence,
- criminal practice,

- the case management system,
- history and process of appeals including the role and significance of the CCRC and
- VT training.

Much of this online training is interactive, requiring the students' input and collaboration. For evaluation purposes, the content of all the training is assessed by students at the conclusion of their CJC work and each year, the VT training, together with other training, is refined. The training has therefore evolved over the three years that the training has been running.

Given the CJC is normally the student's first experience of working in a criminal practitioner setting, emotional wellbeing must be a major consideration and included within the training provision. Students are diverse with a variety of backgrounds and are at different stages of their lives from late teens to retired. It is important with this type of an emotive online project that care is taken to provide a safe space for them to develop, learn and collaborate that provides them with experience which they can use initially for the project and thereafter going forward into practice or otherwise. For many, it may be the first real opportunity to work in collaboration which brings its own challenges.

Over the last few years, the legal profession has started at a basic level, to realise that the nature of the work that they undertake may often have a mental and emotional

impact on solicitors[21] or barristers[22]. The nature of their role does not provide immunity from the stresses of handling challenging cases. Though focused on criminal law, it needs to be recognised that this kind of stress can apply to all types of law, though is more evident in relation to criminal[23], family, and immigration law[24]. The content of criminal law itself inevitably involves distressing and harrowing levels of violence and human misery. Therefore, it follows that consideration of a student's welfare must be to the forefront when they are working on these kinds of cases.

Before going any further, it is important to acknowledge that in the CJC, the feedback to students from the supervising solicitor centres around their professional skills and writing and mentors students to achieve the best outcome for the client. Students write reflective pieces in their assessments for the module, regarding their acquisition of legal professional skills, how collaboration is going and generally, how their teamwork is developing and how the student feels they are improving. However, the actual quality of the advice work provided within the CJC is not itself graded. Feedback is mostly given verbally at supervision meetings to the group during conversations rather than just formally in a written style. As Yeatman and Hewitt

[21] https://www.lawcare.org.uk/get-information/podcasts/the-legal-mind-podcast-vicarious-trauma/

[22] The Bar Council (2021) Barristers Working Lives Survey, The Bar Council available at https://www.barcouncil.org.uk/static/55b160bc-35c7-48a6-b105e68526019ca5/8a57305c-4c3e-46c9-af444c221354e2b7/Working-Lives-2021-wellbeing-analysis.pdf accessed 20th December 2023.

[23] Burton, K and Paton, A (2021) *Vicarious Trauma: Strategies for legal practice and law schools* Alternative Law Journal vol 46(2) 94-99.

[24] James, C (2020) '*Towards trauma-informed legal practice: a review*" Psychiatry, Psychology and Law, 27:2,) 'Practicing What We teach 275-299, DOI: 10.1080/13218719.2020.1719377.

(2021)[25] note a series of conversations together with peer review is best practice in CLE. They reflect that good communication is key to students being able to be self-directed leaners, a skill much needed where research is completed remotely and in isolation from other group members. This method of feedback has proved pivotal in the success of the CJC.

Students are required to attend weekly supervision meetings with their supervising solicitor. In addition, students organise their own meetings to provide support to each other, allocate roles, discuss the case, and discuss their research. Collaboration quickly becomes their norm, albeit extra support in this area is sometimes needed where an experienced supervising solicitor and case worker assists. As students write in a blog; "after some excellent training, within a couple of weeks, we were working remotely but collaboratively to establish the knowledge and intent of a defendant convicted under the doctrine of joint enterprise." Der Gregorian, Klosek, Waghorn (2022)[26]

The aim is to promote participation, confidence, confidentiality, and collaboration. The weekly supervision meetings were designed to provide necessary opportunities to share and expand legal knowledge and development of skills in a protected environment.

[25] Yeatman, L and Hewitt, L (2021) *Feedback: a reflection on the use of Nicol and MacFarlane-Dicks feedback principles to engage learners*, The Law Teacher, 55.2, 227 to 240.

[26] Der Gregorian, K, Klosek A and Waghorn, J *The Criminal Justice clinic is an opportunity not to be missed, available at* https://www5.open.ac.uk/open-justice/blog/criminal-justice-clinic-opportunity-not-be-missed accessed12th January 2024.

To maintain confidentiality in an online environment and check on students' wellbeing, all students are required to attend supervision meetings on camera and talk on a microphone. This was initially outside the comfort zone of most students who were used to tutorials in the OU being optional and where they did attend tutorials, were not required to use cameras. This is an area where the OU's teaching practice varies from face-to-face delivery of legal education,

However, as this is the required practice from the start, it works well by encouraging a safe, supportive, and inclusive environment. Success is clear as one student commented on their CJC experience: "There aren't enough superlatives to describe this experience: from the first-class training and support to the overall learning experience, I can only highly recommend the Criminal' Justice Experience as being a highly worthwhile enterprise."[27]

There needs to be recognition that this is not always the experience for all students as some may not engage well for a number of reasons, or indeed experience personal team challenges common to many workplace circumstances. Most students do recognise that even where they experience challenges their experience has brought forward significant learning, even if criminal law is not now a field in which they wish to work. Others have been converted the other way. Some students feel that they are not able to represent a defendant or act in the best interests of a client and they have

[27] https://www5.open.ac.uk/open-justice/public-understanding-law/criminal-justice-clinic?nocache=6508537219281 accessed 12th January 2024.

often been misled by preconceptions inspired by the frequent fictional court dramas on TV. Understanding and experiencing reality at undergraduate level is appreciated as it helps students understand the reality of criminal work and assists in decision making for their future career path.

Feedback from alumni has been published in a series of blogs, as Field, Armstrong, Butler, and Wells (2021) note: "The Criminal Justice Clinic has enabled our team of new age explorers to experience law from a position of safety, not quite fully saddled with the responsibility of managing a case, but in the relative comfort of our own reality. Our journey into this unknown realm was enhanced by our courageous leader and cohorts, to whom we owe a great deal of thanks for their support and guidance."[28]

3 *Literature Review: What is Vicarious Trauma?*

A review of the literature in respect of VT in CLE, law students and the legal profession in England and Wales must commence with health professionals where the term was first used. This is because health care professionals, such as counsellors, can often have an experience that is reflected in legal professionals' experience.

Actual research on VT in legal practice and law students is more limited and not as well understood.

[28] Field, E, Armstrong, P Butler, D and Wells, K, *Journey into the Unknown* available at https://www5.open.ac.uk/open-justice/blog/journey-unknown accessed 12th January 2024.

Back in 1990, McCann and Pearlman appear to be the first to refer to the term "vicarious traumatization"[29]. They were discussing individual mental health professionals who provide therapy to, or study individuals, who were themselves victimised. They described and discussed three individuals that appear to be showing signs of trauma such as being hypervigilant with strange noises, have feelings of impending danger, have intrusive images, and suffer nightmares. However, the mental health professionals have not suffered that direct trauma but were taking on the trauma experienced by their client's traumatic memories; "Persons who work with victims may experience profound psychological effects, effects that can be disruptive and painful for the helper and persist for months or years after work with traumatized persons. They termed this process as "vicarious traumatization""[30]. In addition to the definition, McCann and Pearlman were aware that there could be a short-term reaction or a long-term alteration in "the therapist's own cognitive schemas, or beliefs, expectations, and assumptions about self and others[31]." They also acknowledged that both short term and long-term exposure to such victims can be traumatic.

In 2002, this idea of VT in therapists was re-visited by Jenkins and Beard[32] who discussed both Secondary Traumatic Stress (STS), often referred to as compassion

[29] McCann, I & Pearlman, L (1990) Vicarious traumatization: A framework for understanding the psychological effects of working with victims: journal of Traumatic Stress 3(1) 131 -149.
[30] McCann, I & Pearlman, L (1990) Vicarious traumatization: A framework for understanding the psychological effects of working with victims: journal of Traumatic Stress 3(1) 133.
[31] McCann, I & Pearlman, L (1990) Vicarious traumatization: A framework for understanding the psychological effects of working with victims: journal of Traumatic Stress 3(1) 132.

[32] Jenkins, SR, Barid, S, (2002) '*Secondary Traumatic Stress and Vicarious Trauma: A Valuational Study*' Journal of Traumatic Stress, 15 (5).

fatigue, and VT. They identify only subtle differences between the two but accept the existence of both in therapists.

Carello and Butler (2015)[33], in the United States, use anecdotal evidence to argue that social workers should practice what they teach and provide trauma-informed care to education. They took trauma informed principles into education and previewed material that might disturb the student and eliminated the content. In the main, they appear to have taken an avoidance approach to dealing with VT but, interestingly, in addition they used a discursive approach with students and checked in with their emotional state on a regular basis. In addition to other actions, they also brought in the concept of self-care for students. Feedback from students appears to have been positive.

More latterly, this idea of VT has now been extended to legal professionals. In 2020, James[34] discussed the effect of vicarious trauma on lawyers in Australia, and argued that at some level all lawyers are affected by vicarious trauma so there is a need for a "trauma-informed" approach to "safely and effectively work with cases involving trauma"[35] Like others before him, he is concerned the typical approach of lawyers is to "grow a thick skin" and avoid the issue rather than confront it head on. He argues

[33] Carello, J & Butler, L, D (2015)' *Practicing What we Teach: trauma Informed Educational Practice'*, Journal of teaching in Social Work, 35:3, 262 - 278.
[34] James, C (2020) '*Towards trauma-informed legal practice: a review*" Psychiatry, Psychology and Law, 27:2,) 'Practicing What We teach 275-299, DOI: 10.1080/13218719.2020.1719377.
[35] James, C (2020) '*Towards trauma-informed legal practice: a review*" Psychiatry, Psychology and Law, 27:2, 275, DOI: 10.1080/13218719.2020.1719377.

that law firms have a responsibility to provide safe systems, trauma informed policies and encourage self-care practices.

In Australia, Burton, and Paton[36] discuss the effect of vicarious trauma in the Australian legal profession and argue that all stakeholders should address the issues surrounding VT and there "must be a co-ordinated and ongoing investment in VT initiatives, such as training and support services" and these should be the norm[37].

Whilst there is other literature around lawyers and VT, there is very little concerning its role within academia, its teaching or effect on students. In 2019, Nikischer[38] discussed the well-being of professors and academics in higher education in the United States by highlighting her personal story from interviewing survivors of sexual abuse. She discusses her isolation, a sense of helplessness and lack of support when researching, recommending embedding protections for researchers in the academic research structure to help with VT.

Other than general articles on the mental wellbeing of students, the only other article on VT in law students that the authors found was Bahshi, J, Wesley, MS and Reddy, J (2021).[39] It details the role of gender, personality, and social support in VT in law students in India. The researchers took a sample of 120 law students and noted that

[36] Burton, K and Paton, A (2021) '*Vicarious trauma: Strategies for legal practice and law schools*' Alternative Law Journal, 46(2) 94-99.
[37] Burton, K and Paton, A (2021) '*Vicarious trauma: Strategies for legal practice and law schools*' Alternative Law Journal, 46(2) 99.
[38] Nikischer, A (2019) '*Vicarious Trauma inside the academe: understanding the impact of teaching, researching and writing violence*' Higher Education (2019) 77:905 -916.
[39] Bahshi, J, Wesley, MS and Reddy, J (2021) 'Vicarious Trauma in Law Students: Role of Gender, Personality and Social Support' International Journal of Criminal Justice Sciences 16(1), 34-50.

there was VT in law students and trainees who had been exposed to traumatic cases. It was higher in females and students with less experience.

4 What is Vicarious Trauma and why is it important to consider in higher education?

The nature of the work that students consider, and the reading of case papers is no different from a legal practitioner and therefore a concern was raised regarding the possibility of students suffering from VT as a result of their working in the CJC.

Recent literature argues that the legal profession has long turned a blind eye to trauma caused to members of the profession by being exposed to serious case work from what they read, saw, and heard, Leclerc (2020)[40]

More recently, this has been described as vicarious trauma.[41]. Pearlman & Saakvitne (1995) state that VT describes the profound shift in world view that occurs in helping professionals when they work with individuals who have experienced trauma: helpers notice that their fundamental beliefs about the world are altered and possibly damaged by being repeatedly exposed to traumatic material.[42]

5 *What is Vicarious Trauma Training?*

[40] Marie-Eve Leclerc, Jo-Anne Wemmers & Alain Brunet (2020) The unseen cost of justice: post-traumatic stress symptoms in Canadian lawyers, Psychology, Crime & Law, 26:1, 1-21, DOI: 10.1080/1068316X.2019.1611830.

[41] Fleck, J and Francis, R (2021) *Vicarious Trauma in the Legal Profession a practical guide to trauma, burnout and collective care*, Totton, LAG Education and Service Trust Limited.

[42] Pearlman, L. A., & Saakvitne, K. W. (1995). Treating therapists with vicarious traumatization and secondary traumatic stress disorders. In C. R. Figley (Ed.), *Compassion fatigue: Coping with secondary traumatic stress disorder in those who treat the traumatized* (pp. 150–177). Brunner/Mazel.

Students take part in an interactive session (lasting around 90 minutes) that considers what VT is. The training is run by two experienced lecturers who are also practitioners, one of whom is a Mental Health First Aider. All members of the CJC take part in the session, including the case workers who have taken the VT training. It starts by seeking to establish the base from which students' own knowledge and experience is set. Then with providing a definition, an understanding of the concept of VT can begin. Many students have not heard of the term VT, though some have familiarity with post-traumatic stress disorder and flashbacks.

It then goes on to consider why lawyers are not unique to being affected, considers the day-to day role of a lawyer in what they do and their societal and professional role and responsibilities. Then consideration is given to VT's possible symptoms, then how and why it affects lawyers. It is not delivered in conjunction at this stage with other specialist such as counselling services as there is not the resource at present, but the importance lies in signposting to such services. In order to be able to seek assistance students must first recognise that the effects of VT are being experienced.

The purpose of the training is to allow students to plan for the present, and the future, and crucially it outlines where to go for support. Students are introduced to concepts such as:" "Lawyering culture, more than any other, epitomizes a lack of comfort with – and distaste for – emotional vulnerability."[43]

[43] Danielle Cover, "*Good Grief*" (2015) 22 Clinical Law Review 55, 55–56.

Students are encouraged to think about why VT impacts and to discuss how the legal profession has historically viewed vulnerability and how it is dealt with now.

As part of the training, students are encouraged to start considering what the professional identity of a lawyer looks like and developing how this applies to them.

They are encouraged to think about what a typical day as a lawyer might look like. This recognises that lawyers are problem-solvers and supposed to be able to absorb anything that comes their way. They need to consider the stresses involved in supporting a client and the nature of the role played by lawyers' day in day out in all pre-court and the subsequent court processes, such as advising in police stations. Much of a criminal solicitor's work is conducted during anti-social hours when they are on their own. They need to deal at times with the automatic revulsion of the effects of serious crime frequently played out with the time pressures and in the throes of a media storm. They grapple with the clash of the presumed innocence of a client against the need for dangerous people to be dealt with in the Criminal Justice System (CJS) and the inevitable faults that are inherent within the CJS itself.

Initial analysis of the VT research that took place in 2022 to 2023 shows that there is no doubt that VT training and support this has an impact on students. It is important that that context is clearly considered before thinking about how VT training is created. The problems of criminal law practice are not going to disappear so the desired outcome is to ensure that students are aware and can identify, and plan ahead, rather than avoid difficult cases or situations.

As outlined, the symptoms of VT are discussed. These include both physical and emotional symptoms such as intrusive thoughts, panic attacks, sleep disturbance, feelings of guilt, avoidance techniques, and withdrawal. Students work on the ability to identify the symptoms in themselves in case they develop them, and equally importantly, for the CJC work and in the future being able to detect these within their co-workers. Developing a plan to cope in the future is then discussed.

The training centres around delivering a toolkit for students from which students help themselves, now and in the future, heading towards legal practice or other employment. What has also been identified is that students who have gone onto work within legal practices have the VT training and support given in the CJC and recommended it to practitioners, expanding therefore its scope to others in a professional capacity. It is important to acknowledge that anyone within legal practice can be affected, including the administrative personnel and clerks who handle distressing evidence, in addition to the lawyers themselves. No one is immune from VT.

Why provide vicarious trauma training and support to students?

Burton and Paton (2021) argue that VT training should be available from the start of a law degree and continue into legal professional practice[44]. However, research has

[44] Burton, K and Paton, A (2021) *Vicarious Trauma: Strategies for legal practice and law schools* Alternative Law Journal vol 46(2) 94-99.

shown that there was little in the literature on the incidence of, or training of, VT in higher education students in the UK.

As a result of the absence of previous recorded experience from other practitioners and academics, a need was identified, and a decision was made to deliver VT training and discuss VT at the weekly supervision meetings. VT training must be delivered as mandatory training before students commence work in the CJC. The CJC is an online only clinic with no physical attendance or meetings, so everything is completed online, and meetings take place in online rooms. This may make the provision of VT training and support even more important to students who might otherwise feel isolated at a time when they are reading sensitive case papers, and the risk of VT is higher. Importantly the CJC provides that vital open virtual door policy in addition to the provision of training and these weekly support meetings. This shows continuing responsibility for the students and effective monitoring over the duration of the CJC project and work undertaken on the OU module.

Consideration of the Implications of the Wider Experience of VT training

The legal professionals involved in the CJC have used their legal practice experience together with their CJC experience to present at conference workshops as there is a strong feeling that there is a need to promote the discussion around VT training. That can only start the process.

It is essential for there to be cross faculty discussion on why the development of VT training is so important when teaching students in legal higher education and a carry

through of why VT is relevant to other areas of study such as social work, the health care profession, and the police. Delivery of VT training by way of interactive workshops allows interest and awareness to be developed and supported in an interdisciplinary way by including other professions that may experience VT such as social workers, psychologists, and teachers.

However, the primary purpose in providing VT training to the students is so that the students can identify VT in themselves and in others. As a legal professional, as well as handling cases, they may be required to manage other lawyers and staff. As part of their social and corporate responsibility, they will be able to look after, and promote, the wellbeing of others. The best place to start such awareness is within the law curriculum in a higher education environment where that initial training is given in a supportive and safe environment.

Students' Perceptions of Vicarious Trauma support and training

Students' perspective of the need for VT training in the law curriculum should be considered. Students are frequently unaware of what is required or needed going forward. Knowledge, especially of VT, is not acquired by merely reading through articles, although a reading list is provided as part of the training. Most students, with few exceptions are disappointed when they find out that the VT training is mandatory and must be completed prior to commencement in the CJC.

However, the training has now been provided to over 200 students and without exception, at least some students from each group will state that they do not need the

training, do not care about such issues, and they feel making them do the training is unfair. The CJC insist that the training is mandatory to promote the view that it is everyone's responsibility to look after their own, and to a certain extent, other's well-being. Fast forward to the end of their time in the CJC and that attitude has often changed. Most students fully appreciate then why the training was given, why the supervision sessions also supported awareness of VT, providing a sense check of how students are feeling about the case with which they are dealing. It clearly demonstrates too, a continued responsibility for the OU as to student welfare.

Further reflection on students' comments have led to the development of a small VT research project sponsored by the OU's Scholarship Centre for Innovation in Online Legal and Business Education (SCiLAB). It aims to identify whether students perceive vicarious training assists them during their time in the CJC as they graduate and go on to professional practice.

The research went through all approvals, including ethics. It involved both quantitative and qualitative research through the use of questionnaires and student interviews. The analysis of these results will be published in a later article. Initial analysis demonstrates that the students do gain much in skills development from such training and the provision of support during the CJC. At delivery of the initial training for the CJC, 50% of students said they had never heard of the term VT. Given that the OU. has a high proportion of working students, it was a surprise that the figure would be so high. Of the students that were aware of the term, 33% had heard of it through

work and around 7% through their law studies and the remainder through other various sources.

Interestingly after the training, 88% of students thought that VT training should be a part of all law programmes and 78% of students felt it should be mandatory for all law professionals regardless of their area of practice. Although the sample group was small with around 16 participants, initial results provided evidence to continue to consider how VT training should be embedded in CLE and the law curriculum. These have been discussed at conferences in wider academia, Consideration as to partnership working needs to be discussed and undertaken with regulatory and support organisations. Though the evidence supports the need and indeed the benefit, the progress has been slow, with resistance or lack of concern perhaps that there is a societal need for lawyers to be protected. By initiating discussions, understanding and knowledge of the concept can develop. It is essential that the legal profession can support their own in their delivery of legal services to clients. The better prepared the lawyer, the better the handling of the client which then comes full circle to the attainment of social justice and the consequential benefit of society.

Picking up the point about the wider need for higher education and the profession to pick up the need to deliver VT training, there would be a need to assess their own training needs and delivery. It needs to be delivered by those within the profession who understand the stresses and strains of being a lawyer. That does not exclude the inclusion of other specialists such as psychologists but at the outset they may not be

required though they can bring a potentially valuable insight. Cost is an important consideration for the profession – so delivering basic VT training at the outset is a start- and thereafter there can be more sophisticated incremental and ongoing training provided where the responsibility lies not solely within higher education but with the profession and employers more generally.

The danger is that higher education parks the concept because they do not see the need, or feel it is included within their role. Costs and resources being seen as barriers in the way.

VT training for lawyers has evolved over the years and it must undergo a similar process within higher education before it is recognised and ingrained within legal training prior to degree acquisition. The risks in not providing such VT training and support, from the research experience outweigh the effort required to commence such VT training.

Conclusion

This paper has discussed the background to the OU and its development of VT training. It has sought to outline the current position and the status of its ongoing research and the work that is being taken forward. It recognises that this is an ongoing work where current data is minimal, but the evidence has consolidated the anecdotal finding that VT training was necessary and appreciated from the students' feedback.

Trying to develop a new generation of lawyers adequately supported to handle cases and deal with the implication of VT is a challenge as many in the profession seem to accept a status quo and resist the need for change. Law is ever changing to respond to developing societal demands. So, accordingly, is the need to recognise that change is required to provide effective support to the profession to ensure that they can better represent their clients.

By analogy, years ago, the impact of post traumatic stress was unknown. However, consider cases such Hillsborough[45] which raised the spectrum of liability and risk over exposure by the public to traumatic incidents. That related to relatives witnessing the terror of the crush involving their relatives on TV.

That case law, it can be argued, provides a similar path for the development of VT training within the profession. Similarly, it equates to policy development with the need for VT to be identified, and so that an assessment can be made on how to address the need for VT awareness, training, and support. Much wider research needs to be undertaken and information gathered, thereafter there is a need for evaluation and review.

Evidence too has demonstrated that there is a concerning attitude, perhaps focused on money and the inevitable commercial challenges, that the current cohort of future

[45] *Alcock & ors v Chief Constable of South Yorkshire* [1992] AC 310 House of Lords

lawyers are identified as "snowflakes"[46]. That is of course too an endorsement that there is a need for change and further, in ensuring that VT training is developed and delivered to all to enhance practitioners' mental well-being and provision of excellent legal representation to the client.

Thereafter, there is a call to encourage others responsible within other higher education institutions to think about its inclusion within the undergraduate programme as a mandatory part of the background to future students taking up legal roles.

For those now graduated in law, there is a role for those delivering post graduate degrees and qualifications where it is more about the acquisition of skills and not just pure law, to consider where VT training is best placed.

For the regulators of professional bodies, they need to seek out opportunities to encourage the profession to embrace such training for themselves as well as for all their staff.

It is crucial to ensure that VT training is developed and delivered so that there is a trauma- informed workforce well able to handle the challenges of the 21st century, whether it is terrorist attacks, historic sexual abuse, murder of babies, catastrophic fire, or sporting disasters.

[46] Merriam-Webster 92020) 'What does the term snowflake mean and why is it used? available at https://www.independent.co.uk/life-style/snowflake-meaning-definition-gammon-piers-morgan-trump-b737499.html.accessed 12th January 2023

Lawyers lie to the forefront of the outcome of such incidents in court through prosecutions, defence, and public inquiries. For those who experience VT as a result of their work, it matters that they are not deemed to be considered weak or vulnerable, incompetent, or inadequate because of their experience in the legal profession .The experiences are not necessarily documented but there are numbers of professionals that speak anecdotally– recognised in part it is argued now by the need for trauma-informed practice to be developed as outlined currently in draft legislation in Scotland aimed at dealing with rape victims[47].

All aspire, and indeed require, as part of their professional requirements to ensure that they deliver advice to their clients of the highest quality. Experience of VT training demonstrates that it can be provided easily. It is a duty owed to society. If the lawyer has taken steps to care for themselves by proactively engaging with VT awareness, it then follows that the benefit ultimately is to a better informed and able legal workforce.

Please do contact the authors if you would like to discuss the article, VT training or future research.

[47] https://www.gov.scot/publications/victims-witnesses-and-justice-reform-bill-factsheet/pages/trauma-informed-practice/

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CHATGPT, I HAVE A LEGAL QUESTION? THE IMPACT OF GEN AI TOOLS ON LAW CLINICS AND ACCESS TO JUSTICE

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Abstract

The launch of ChatGPT in November 2022 will perhaps be come to be one of the defining moments in our relationship with technology. The rapid pace in which generative artificial intelligence (Gen AI) is developing and the rate in which it is being adopted, is transforming how we interact with technology, and poses new risks and challenges. As Gen AI tools such as ChatGPT are used by non-lawyers, this article explores the implications of Gen AI in the provision of legal advice. This research examines the performance of Gen AI tools in providing legal information and advice in response to commonly experienced legal problems and finds there are significant errors and mistakes with the responses it produces. There is a critical need to improve access to justice and this article explores the implications for non-lawyers in using Gen AI tools and considers the risks of reliance on Gen AI advice. The article goes on to examine the utility of Gen AI in clinical legal education to consider whether there is a role for responsible use of Gen AI in law clinics. It suggests the adoption of Gen AI tools has the potential to increase the capacity of law clinics, and enhance employability skills, but law schools need to be cognisant of the risks of Gen AI.

Keywords: Access to justice, ChatGPT, Clinical Legal Education, Gen AI, Generative AI, Law clinics, Litigants in person,

Introduction

Artificial Intelligence (AI) and Generative AI (Gen AI) systems are not a recent phenomenon but the impact of ChatGPT and high levels of media interest has led to an awareness and interest in the potential of Gen AI (Stahl et al 2024). Technology is already transforming the delivery of legal services and changing the practice of law (Susskind, 2023). Although there are challenges around the increased adoption of technological tools there seems little doubt that the emergence of Gen AI technologies will be used to solve legal problems (Simshaw, 2022). There are several ways Gen AI systems can be used in the legal domain: they are already being used to summarise documents, develop legal arguments, and draft and produce documents such as letters and court documents (Ray, 2023). However, their use by members of the public to solve legal problems is less clear, although the freely available nature of some of the tools suggests they will increasingly be used as an alternative to a general internet search.

The aim of this article is to consider the reliability and accuracy of Gen AI models in supporting access to justice. Due to the recent emergence of Gen AI models, there is limited academic literature on this topic, although we are seeing growing interest in this area. In the following section we set out how we evaluated Gen AI models to

consider their performance in providing legal information and then report on our findings. We then discuss the implications for litigants in person and law clinics.

Gen AI

ChatGPT, Google Bard and Bing Chat are at the forefront of a Gen AI revolution with huge implications for our society and the delivery of legal services. These tools are open-source large language models that are trained on vast amounts of internet text data and improve the more data they are exposed to (Bishop, 2023). ChatGPT 3 was launched in November 2022, followed by Bing Chat, ChatGPT 4 and Google Bard. The models work by predicting the next word in a sentence and produce sophisticated text. They can be used for a variety of different applications such as asking questions or information about a topic, producing human-like responses (Ray, 2023).

The difference between a response produced by ChatGPT compared with the answer from a search engine is that the source of the information is unknown. There are also differences between the models; ChatGPT and Bard produce text-based responses whereas Bing Chat provides links to websites. One of the issues with ChatGPT is the inability to interrogate or verify the sources of the information; requisite knowledge is required to determine the veracity of the information (Mohney, 2023). AI and in particular Gen AI models have sparked considerable interest, but fundamental to our legal system is the issue of trust and law. This requires correct and precise answers which is one of the major challenges of Gen AI (Guzman, 2023). While there is no

doubt that ChatGPT and similar tools are impressive, one of their limitations is their accuracy and reliability. Gen AI tools produce responses that are often wrong, and they 'hallucinate' (make things up). However, there are going to be individuals and community groups who want to use Gen AI tools to support them with their legal problem (Hagan 2023).

Gen AI tools have significant potential to address access to justice, which is a pressing issue because so many people cannot afford to pay for legal advice and representation, preventing them from accessing legal services (Granat, 2023). In 2020, the Legal Services Board[1] reported that 3.6 million adults a year had an unmet legal need, with even higher levels of unmet need in Black Asian Minority Ethnic (BAME) communities and among younger people, those on a low income or with low levels of education. The types of issues that people required assistance with were ranked, with the most common being problems with defective goods or services, behaviour of neighbours, buying or selling a property, wills, and employment. The findings from the report highlight that many people feel the civil justice system is too expensive and disadvantages poorer people.

The introduction of the Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO 2012) took out of scope most areas of civil law. In 2022, the Bar Council report

[1] The-State-of-Legal-Services-Evidence-Compendium-FINAL.pdf (legalservicesboard.org.uk)

'Access Denied'[2] identified how cuts to legal aid were impacting on people's ability to get support for their legal issues. In 2022, LexisNexis produced 'The LexisNexis Legal Aid Deserts' report [3] which explored geographical regions of the country to find out the extent of legal aid provision. They looked at three areas of law: housing, family, and crime and found in each of those areas there were fifteen geographical locations with legal aid deserts.

There is a widening access to justice gap, not just in the UK, and there has been much discussion around how legal technologies could be leveraged to increase access to justice (Simshaw, 2022). Although AI is not a recent development, what is new is the emergence of open-sourced Gen AI tools that offer the potential for those who have access to the Internet to use solutions such as ChatGPT to support them to find legal information to resolve their legal problems (Pearlman, 2023). ChatGPT can answer legal questions and superficially the answers look very convincing, but it cannot verify the truth of the information it produces, and it does not have real-world understanding (Pearlman, 2023). Gen AI models such as ChatGPT have the potential to support access to justice but reliance on these models is problematic because of accuracy and trust issues. There is a need to consider how to educate people to

[2] https://www.barcouncil.org.uk/resource/access-denied-november-2022.html

[3] The LexisNexis Legal Aid Deserts'

recognise the limitations of Gen AI and support them to use Gen AI appropriately (Simshaw, 2022).

Methodology

As Gen AI tools such as ChatGPT start to be used by litigants in person there is a pressing need to understand and evaluate the quality of the responses produced by Gen AI to legal questions. In this research we wanted to explore the performance of Gen AI tools in their provision of legal advice. To do this we reviewed queries brought to our pro bono legal advice clinic and identified six common areas of law, and then selected one generic query for each area. We phrased the questions to mirror the language used by an individual with no legal knowledge. The six areas of law were family law, employment law, consumer law, housing law, online contracts, and child maintenance.

Over two days in May 2023 we asked the first three questions of ChatGPT 3.5 (the free version), ChatGPT 4 (the paid for subscription version), Bing and Bard. Bing has three possible settings – creative, balanced, and precise; we used the 'balanced' mode as the middle one of three. The final three queries were entered into the same Gen AI models over one day in October 2023. If required, we used a follow up question: *Is there any English law which covers this problem?* We did not use any other prompts.

We wanted to consider whether the models produced accurate and reliable answers and explore what practical next steps were suggested and the clarity of those suggestions. The authors are both qualified lawyers and supervise cases in our law clinic. Once we had the answers from the Gen AI models, we then rated each of the responses and compared the answers across each of the models. The answers were rated using from 0 to 5, with zero being least accurate or clear and 5 being the most accurate and clear. This was done to enable a comparison between the different Gen AI and the different types of queries.

The evaluation criteria adopted was:

<u>The accuracy of the legal advice</u>

- Currency: whether the advice referred to the correct legislation currently in force in England and Wales
- Comprehensive: whether the description of the advice was comprehensive and correct
- Application: whether the advice was applied correctly to the scenario
- Prompts: Whether the advice was given with no additional prompts needed
- Audience: whether the advice was clear to a non-lawyer.

<u>The clarity of practical next steps</u>

- Practical: whether practical next steps were suggested

- ADR: whether the next steps included alternative dispute resolution as well as legal proceedings
- Links: whether links to appropriate websites for further information were provided
- Gaps: whether there were gaps in the next steps suggested
- Audience: whether it was clear to a non-lawyer what to do next.

Results

Family Law

We asked the question: *I am separated from my husband after finding out he was having an affair. How do I end our marriage?* We expected to receive responses referring to the no fault, separation-based divorce available through the Divorce Dissolution and Separation Act 2020, which came into force in April 2022. Practical suggestions would include discussing the divorce with the husband and issuing an application for divorce if they have been married for at least one year.

Large Language Model	**Accuracy of Advice**	**Clarity of next steps**	**Total**
ChatGPT3.5	1	2	3
ChatGPT4	4	3	7
Bing	1	3	4
Bard	1	2	3

Table 1: Scores for Family Law Query

ChatGPT 3.5 gave a very generic answer which was not based on any specific jurisdiction, stating that 'The exact steps and requirements for divorce may vary depending on the jurisdiction you are in, as divorce laws differ from country to country and even within different regions.' It gave general practical advice, such as discussing with the other party, but no indication of how to apply for a divorce.

ChatGPT 4 initially answered based on American law, but when prompted to look at English law it provided reliable and specific advice, accurately explaining the requirement to seek a no-fault divorce. However, it did not explain the need to be married for one year already. It did list the legal steps needed but did not provide any signposting to relevant forms or websites.

Bing initially provided two short paragraphs explaining that it was possible to apply for a no-fault divorce or a legal separation and provided helpful links to Citizens Advice website and the government website. Bing suggested several follow up questions, one of which was '*how to apply for a divorce.*' This went on to provide advice on completing the application for divorce, including the name of the form and links to relevant websites. However, when asked the follow up question about English law, Bing provided details of the previous divorce law under Matrimonial Causes Act 1973 alongside the more recent 2020 law, which potentially would be confusing for

individuals with no legal knowledge. Its references were also less reliable including Sky News and Wikipedia.

Bard initially responded to the query by refusing to provide any information: 'I'm designed solely to process and generate text, so I'm unable to assist you with that.' When asked to regenerate its answer, it provided generic advice similar ChatGPT 3.5. In response to the follow up question, it also referred to the old law under Matrimonial Causes Act 1973.

Employment Law

We asked the question*: I have lost my job last month due to being pregnant. I think this is unfair, can I challenge it?* We expected responses to refer to the right to claim automatic unfair dismissal. As there are very strict timescales for applying for unfair dismissal, we would have expected the three-month time limit to issue proceedings to be highlighted and the need to apply to ACAS (Advisory, Conciliation and Arbitration Service) for early conciliation before issuing proceedings.

Large Language Model	**Accuracy of Advice**	**Clarity of next steps**	**Total**
ChatGPT3.5	2	3	5
ChatGPT4	5	4	9

Bing	1	2	3
Bard	1	1	2

Table 2: Scores for Employment Law Query

ChatGPT 3.5 again provided a very generic answer, noting that there are different laws in different countries and jurisdictions and the need to conduct further research. It offered some practical steps but no reference to timescales or ACAS. ChatGPT 4 initially provided advice on unfair dismissal based on law from the United States. When prompted about whether there was any English law covering the problem, it then referred to unfair dismissal, recommended legal advice and went on to suggest contact with ACAS, the three-month time limit, and the need for early conciliation. However, it did not include links to relevant websites.

Bing suggested that it was illegal to discriminate against an employee due to pregnancy and suggested speaking with an 'attorney' and 'filing a lawsuit [for] pregnancy or motherhood discrimination.' Consistent with the American terminology used, three of the six references were American, with remaining three being UK based. Bing suggested a follow up question - *what are my rights as a pregnant employee* – and this provided information on maternity leave based on UK law. We then asked our standard follow up question about English law, and Bing referred to the right not to be discriminated against under Equality Act 2010. Similarly, Bard also answered the question based on American law. On being prompted about English law, it referred to the Equality Act 2010 and suggested a complaint to the employer and to the

Equality and Human Rights Commission (EHRC). Neither Bing nor Bard referred to automatic unfair dismissal, the timescales, or the need to involve ACAS.

Consumer law

We asked the question: *I bought a new washing machine a few weeks ago and it doesn't seem to be working- how do I get my money back?* and expected responses to explain the remedies available under Consumer Rights Act 2015 and a potential claim to the Small Claims Court. Practical next steps would include contacting the seller and a possible chargeback claim, if applicable, under s75 Consumer Credit Act 1975.

Large Language Model	**Accuracy of Advice**	**Clarity of next steps**	**Total**
ChatGPT3.5	4	4	8
ChatGPT4	4	4	8
Bing	3	3	6
Bard	3	3	6

Table 3: Scores for Consumer Law Query

ChatGPT 3.5 provided general advice including contacting the seller, but there was no reference to a chargeback claim. When prompted about English law it referred correctly to the remedies available under Consumer Rights Act 2015. ChatGPT 4 initially answered based on American law, but then provided a more generic response

which did refer to a small claims court claim and a chargeback claim. On being asked specifically whether there was any English law covering the problem it did list the various rights available under the 2015 Act.

Bing initially gave general suggestions, including a chargeback claim, based on references from Which Magazine, The Sun newspaper, and Moneysaving Expert website. On being asked the follow up question it referred correctly to the remedies available under the Consumer Rights Act 2015. It provided links to relevant websites including citizen's advice and gov.uk. Bard also provided what appeared to be generic advice but suggested filing a complaint with the Consumer Protection Agency (CPA), which is not an agency within the UK. On being asked about English law covering the problem it did refer to the rights available under Consumer Rights Act 2015 but again suggested filing a complaint with the CPA. There was no mention of a chargeback claim.

Housing law

We asked the question: M*y neighbour had a very loud party over the weekend and refused to turn down the music. What can I do to stop it happening again?* We expected the response to refer to the law on statutory and common law nuisance, the need for repeated incidents and suggestions to discuss with the neighbours, mediation, or other form of ADR and to contact the local authority if the events occur again.

Large Language Model	**Accuracy of Advice**	**Clarity of next steps**	**Total**
ChatGPT3.5	4	4	8
ChatGPT4	3	4	7
Bing	3	4	7
Bard	3	3	6

Table 4: Scores for Housing Law Query

ChatGPT3.5 provided generic, common-sense advice stressing the need to try and resolve issues amicably. It mentioned all the practical steps expected including contacting the landlord and offering a compromise. However, there was no specific legal advice included. On being asked about English law, it referred to statutory nuisance under Environmental Protection Act 1990 and common law nuisance. Although the description of the latter included reference to 'excessive and continuous noise,' it did not highlight this given the question's reference to *one* party.

ChatGPT4 offered the same general advice, without the reference to contacting the landlord, but also suggested soundproofing and contacting other neighbours. On being asked about English law, it referred to statutory nuisance but did not refer to common law nuisance or the need for excessive and repeated noise, which would be potentially misleading for those seeking advice.

Bing offered the same very good general advice and included referred to statutory nuisance in its first response, signposting to the gov.uk website. On being asked about English law it again referred to statutory notice and the websites of gov.uk and Shelter. However, there was no reference to common law nuisance or the need for excessive and repeated noise.

Bard offered general advice but did not mention contacting the Local Authority in its first answer. On being prompted about English law however it did refer to statutory nuisance and the role of the Local Authority, as well as highlighting the need for the noise to be excessive. However common law nuisance, nor the need for repeated incidents was not mentioned.

Online contract law

We asked the question: *I purchased an expensive necklace online last month, which was delivered the next day but is still unused. I have now realised I can get it cheaper elsewhere. The company is refusing to send me a refund, what can I do?* The expected response should refer to the Consumer Contracts Regulations and the right to cancel an online contract within 14 days of delivery of the item. Practical next steps would include contacting the seller and considering a chargeback claim.

Large Language Model	**Accuracy of Advice**	**Clarity of next steps**	**Total**
ChatGPT3.5	4	4	8
ChatGPT4	4	4	8
Bing	5	3	8
Bard	4	3	7

Table 5: Scores for Online Consumer Law Query

ChatGPT3.5 started by stating that it was not a lawyer but would offer some general advice. It also suggested specific laws would vary depending on location, and then offered general advice regarding contacting the seller and a chargeback claim. On being prompted about English law it referred to the Consumer Rights Act 2015 and did refer to the right to cancel within 14 days of delivery.

ChatGPT4 did not start with the same disclaimer about legal advice but did offer the same general advice as well as suggesting contacting the online platform, leaving a review and negotiation. It also suggested contacting the local consumer protection agency and referred to US and UK agencies, making it clear this was a generic response. On being asked about English law it referred to both the Consumer Rights Act 2015 and the Consumer Contracts Regulations, accurately explaining the right to cancel and return goods within 14 days of delivery.

Bing's initial answer referred immediately to the right to cancel and receive a refund within 14 days of delivery, and suggested a chargeback claim if unsuccessful, although it did not mention the names of the laws (Acts or regulations). It referred to the gov.uk website, Moneysaving.com and Which website.

Bard offered general advice including a chargeback claim, and on being prompted about English law referred to the Consumer Rights Act 2015 and the right to cancel within 14 days of delivery.

Child maintenance law

We asked the question: *I have an informal agreement with my ex-partner that he pays £500 per month as maintenance for our child. He has not paid this for the last two months; can I go to court to get the money?* The expected response should explain that child maintenance is now dealt with by the Child Maintenance Service (CMS), and it is not possible to enforce informal agreements through the courts. The enquirer will need to apply to the CMS who will reassess the maintenance payable according to their formula, and they will then assist in enforcing the maintenance (for a fee). The next steps should therefore be to try and negotiate with the other party and if this fails, to apply to CMS.

Large Language Model	**Accuracy of Advice**	**Clarity of next steps**	**Total**

ChatGPT3.5	2	2	4
ChatGPT4	2	2	4
Bing	2	2	4
Bard	2	1	3

Table 6: Scores for Child maintenance Law Query

Similar to the earlier question, ChatGPT3.5 started with a general disclaimer. It suggested communicating with the other party and negotiation and then referred to CMS, but wrongly stated they could enforce an existing agreement. It also suggested applying to court for a Child Maintenance Order, which is not possible (except in very limited circumstances). The legal advice was therefore confusing and / or wrong.

ChatGPT4 started with the same general advice and then suggested the involvement of CMS who would assess the amount of maintenance to be paid. However, it wrongly stated that a 'consent order' could be enforced through the courts.

Bing suggested the parent should apply for a liability order from the courts, referring to the gov.uk website and citizen's advice. However, this was also wrong advice as CMS must apply for a liability order, not the other parent (as it stated in the websites it referred to). Bard wrongly referred to making an application for child maintenance to the courts. On being asked about English law it referred to the Child Support Act 1991 (which has been superseded by the Child Maintenance Act 2001) and went on to

repeat that the informal agreement was legally binding, and a court application should be made.

Comparison between the models

From the twenty-four initial queries, the first answer was too generic, and often based on the wrong jurisdiction or wrong in law.

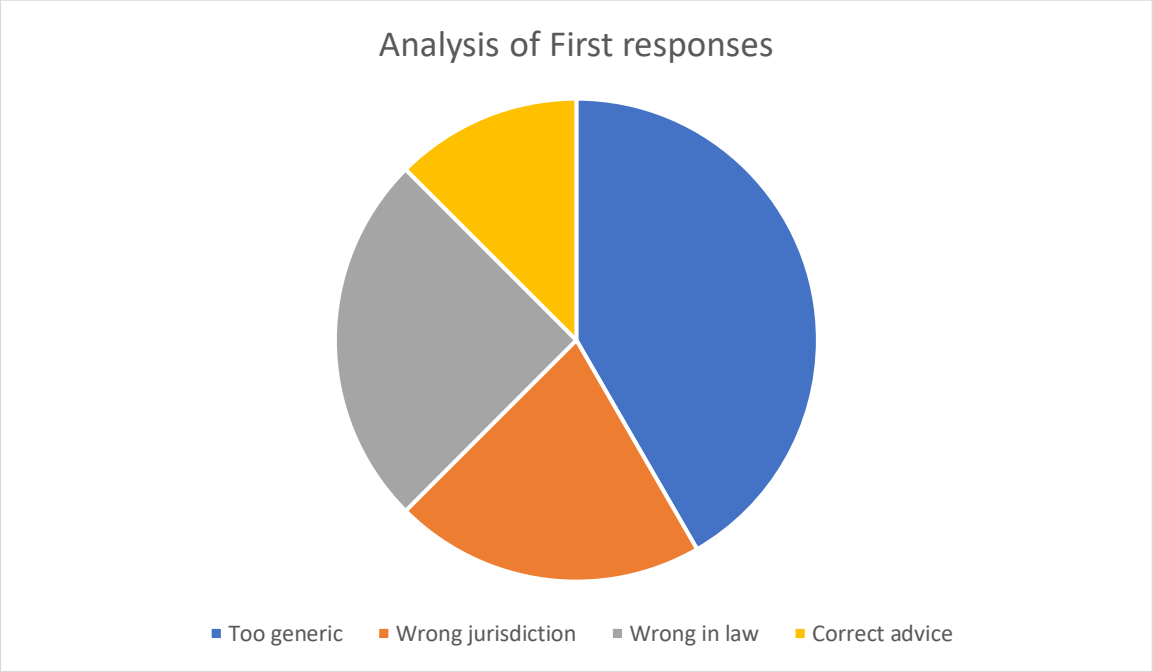

Table 7: Analysis of first responses

All four tools offered advice based on American law initially until prompted otherwise; in May around half of the queries defaulted automatically to American law. However, this was less common when the same tools were used in October, when both ChatGPT3.5 and ChatGPT4 stated that the law would depend on the country the enquirer lived in. Whilst this was an improvement, it was not consistently stated for

all queries and 21% of queries initially referred to the wrong jurisdiction, usually American law. Overall, most answers were too generic to be useful in explaining to someone what their legal rights were – 42% of responses were too general. A further 25% were simply wrong in law. As only 13% of the queries were initially answered correctly based on UK law, Gen AI tools offer a significant risk when relied on by a litigant in person. Whilst these tools could be useful for someone with some understanding of the law, who was able to review and ask appropriate follow up questions (such as jurisdiction), many litigants in person have limited legal knowledge and may not appreciate the need to check the jurisdiction or source of law.

Once the additional prompt about English law was included, the accuracy of the advice and clarity of the next steps did differ depending on the type of query.

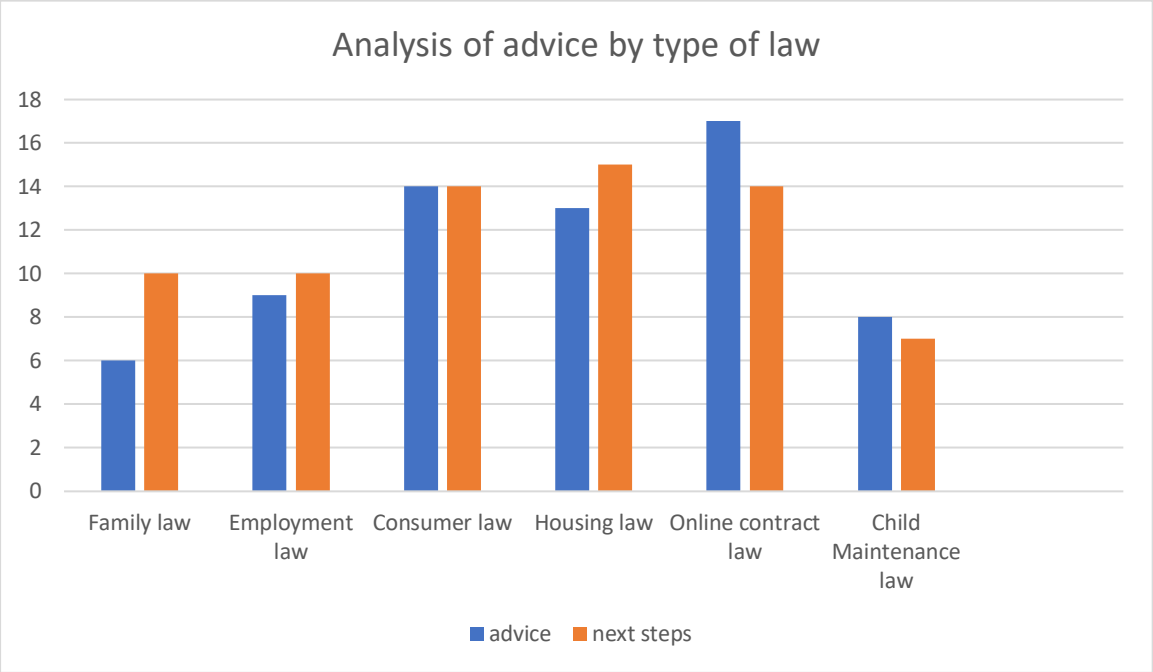

Table 8: Analysis of advice by type of law

The table above adds together the score of all four of the Gen AI tools, both in terms of accuracy of the advice and the clarity of the next steps. The maximum score for each was 20 (maximum score of 5 multiplied by the four tools). The answers to the two consumer law questions (consumer law and online contract law) and the housing law query were the most accurate and clearly answered. However, the queries based on family law, employment law and child maintenance were neither accurately answered nor clear about the next steps. Indeed, these answers were potentially misleading or even dangerous. They included out of date law (family law), omitted relevant information regarding timescales and the need to involved ACAS (employment law) and wrongly suggested a court application to enforce an informal agreement instead of the need for a reassessment of maintenance (child maintenance query). Reliance on these tools could have led to the enquirer not being able to rely on their legal rights and potentially being put in a worse position.

Finally, the accuracy of the advice and clarity about the next steps did differ depending on the Gen AI tool used.

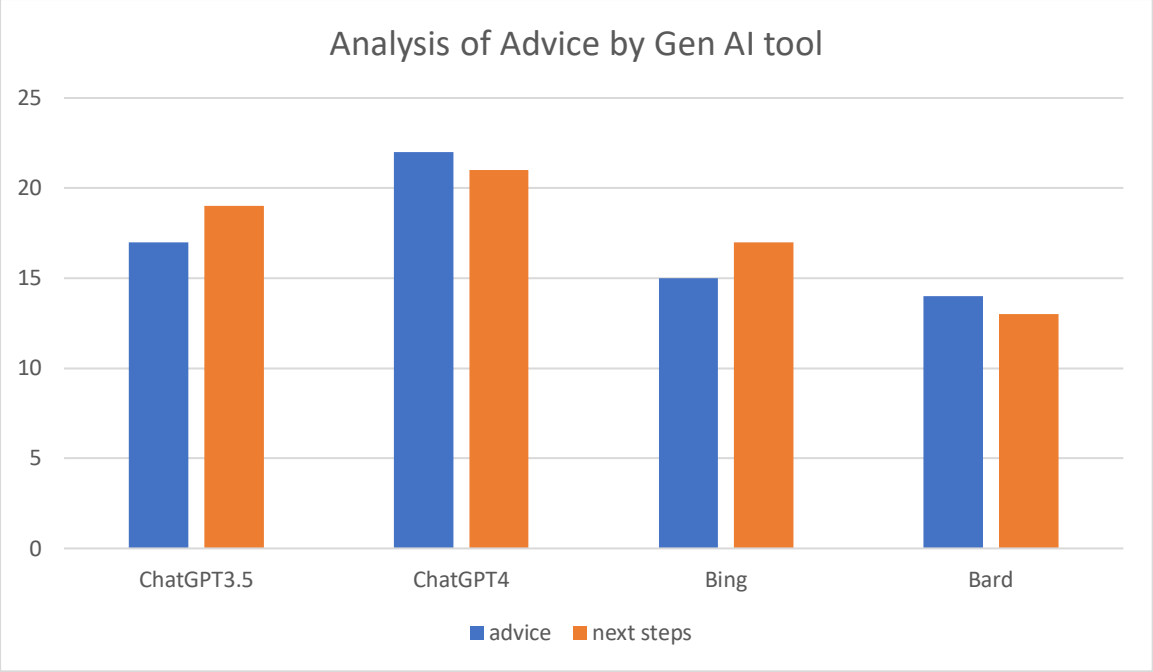

Table 9: Analysis of advice by Gen AI tool

The table above amalgamates all the scores for each Gen AI tool, divided between the accuracy of the advice and the clarity of the next steps. The maximum score for each was 30 (maximum score of five times six queries).

ChatGPT4, the only subscription model, was clearly more accurate in terms of legal advice with a score of 73%, compared to the free versions (57% for ChatGPT3.5, 50% for Bing and 47% for Bard). In terms of the clarity of next steps, ChatGPT4 was also ahead at 70%, followed closely by ChatGPT3.5 at 63%, Bing at 57% and Bard at 43%. ChatGPT3.5 and Bing scored more highly for next steps than the advice, with ChatGPT4 and Bard being one point higher for the legal advice. These scores mask differences between the models: ChatGPT3.5 and ChatGPT4 gave often very detailed practical advice; while Bard and Bing were usually shorter answers. Bing was the only

Gen AI tool which signposted in its answers other websites including gov.uk and citizens advice.

Discussion

Implications for litigants in person

All the models warn users that it is not their function to provide legal advice and recommend obtaining professional legal advice. In May 2023, and again in October 2023, when asked if they give legal advice, all four models replied that they did not offer legal advice. However, it was necessary to ask them this question, and litigants in person may presume that this is advice upon which they can rely.

Several concerns were highlighted through our research, including confusion around jurisdiction, problems with generic advice, the risk of incorrect advice and the potential inequalities caused by subscription models. It is important to recognise the models are not trained (yet) to 'think like a lawyer' so they are not able to apply logical analysis to consider the credibility and relevance of the information produced (Bishop, 2023). The difficulty for litigants in person is they are not able to critically evaluate whether the Gen AI models have understood and applied the legal principles correctly. This is particularly relevant when the answer produced appears to be 'convincing', there is a significant risk that a litigant in person will rely on that

information and use it as part of their case.[4] This is not to say that these tools cannot be of use as the findings suggest for some areas of law their responses are more accurate. One area where these models can be helpful is in interpreting statutes and providing a clear summary of a statute in plain English (Bishop, 2023).

The models often default to American law, and our findings suggest that it is not always explicit that the advice is based on American law, or that the law would differ depending on which country you live in. In five of the six queries, ChatGPT3.5 was clearer, referring to the law being different depending on where you lived or your jurisdiction. ChatGPT4 referred to this once, and Bard once. However, the significance of this was not always clear, as it was part of a longer text suggesting ways to resolve the issue. This means that without some initial legal knowledge litigants in person may not appreciate that this affects the advice being offered.

When providing answers, the models sometimes used the phrase 'the law of the UK,' both initially and when prompted to respond based on English law. This occurred in five of the six answers by ChatGPT4, three of the answers by ChatGPT3.5 and two of answers given by Bard. In four cases this phrase was used following the additional prompt asking about English law. Litigants in person are unlikely to understand that

[4] It is not just litigants in person, two New York lawyers were sanctioned for using ChatGPT in their submission for citing non-existent cases. ChatGPT: US lawyer admits using AI for case research - BBC News

Scottish law may be different to the law in England and Wales, being a separate jurisdiction, and consider that the phrase 'the U.K.' refers to all the countries within the Union. For example, the law on divorce differs in Scotland although ChatGPT4 gave its answer based on 'the law of the UK'. This may lead to incorrect advice being provided for enquiries living in Scotland, or for some queries for those living in Wales and Northern Ireland (if devolved legislation applies to the area of law in question).

Most advice was too generic to enable litigants in person to be able to identify their legal right, its source and how to enforce it. Forty-two percent of initial queries were too general, and even after being prompted about English law insufficient information was often given. The models were much better at giving practical non-legal advice, and whilst this is important it does mean that a litigant in person might be unable to articulate clearly what their rights are and what remedy they are therefore seeking. They might also have difficulty in drafting a claim, for example to the employment tribunal or small claims court.

Even where jurisdiction is not an issue, Gen AI can (and does) produce incorrect or misleading advice. Initially 25% of its answers were wrong. There is a concern that there is a presumption these tools work in an equivalent way to internet search engines; there is a lack of awareness amongst the public of the limitations of Gen AI tools and the significant risk of errors and misleading information. Although we did not see evidence of fabrication or hallucination, it did rely on outdated law (family

law query), omit highly relevant information (employment law query), and wrongly summarise the law (child maintenance law). Without basic legal knowledge to identify such errors, this puts litigants in person at significant risk of relying on incorrect and misleading advice, potentially to their detriment.

Finally, ChatGPT4 which is the subscription version is more accurate overall than the free versions (ChatGPT3.5, Bing, and Bard), but requires a monthly fee, which at the time of writing is $20 a month. This means that the ability to pay directly correlates with the access to the benefits of the superior version of the technology (Kanu, 2023). The reality is that most people who are likely to use these tools cannot afford to pay for legal advice and are more likely to be dependent on less reliable free versions of these tools. Sandefur's (2019) research demonstrates that access to justice is not equal, and that technology does not always solve the problem because people on low incomes are less able to benefit from technology because of cost, internet access, digital literacy, and lack of human centred design. We need to recognise that some people will be unable to access any benefits that may derive from Gen AI tools and will lack the necessary skills and resources to leverage any of the potential benefits of technology (Telang, 2023). There is a need to think carefully and realistically about the extent to which technology can support access to justice (Poppe, 2019).

One of the interesting areas of development is the potential to co-develop Gen AI technology to create bespoke and more reliable legal solutions, as evidenced by

Harvey, which is the customised AI technology being integrated into the law firm- Allen & Overy. However, free advice organisations are unlikely to have the funds to support the creation of tailored solutions (Kanu, 2023). There is a power imbalance between large law firms and individuals in unlocking the potential of Gen AI (Telang, 2023). This means that there are significant risks that only those with resources will be able to leverage the benefits of Gen AI and this will only serve to further exacerbate existing inequalities (Simshaw, 2022).

There are other reliable sources of help for litigant in persons such as Advicenow, Citizens Advice, and pro bono law clinics, However, there is often a lack of awareness of these organisations can mean that members of the public turn to other sources of assistance. The adoption rate, and the amount of online noise around Gen AI, increases the risk of more people turning to Gen AI for legal advice when they experience a problem. This happened in May 2023, in a case in Manchester County Court where a litigant in person used ChatGPT for their legal research. They referred to four cases: one, was fabricated, the other three were actual cases, but the passages quoted by ChatGPT did not reflect the actual judgments in the cases.[5]

The issues relating to access to justice reflect structural inequalities that are not simply solved by technology (Poppe, 2019, Sandefur, 2019, Kanu, 2023). It is therefore

[5] LiP presents false citations to court after asking ChatGPT | News | Law Gazette

important that we are cognisant to the risks and limitations of Gen AI solutions in democratising access to legal information and advice. There is a pressing need to explore how law schools can work together with the legal profession to create a public legal education campaign to ensure there is increased public awareness of the limitations of these tools and to highlight the risks to users if they are being used for obtaining legal advice (Hagan, 2023).

Implications for law clinics

There is a separate discussion outside of this article around the implications of ChatGPT in education, but all universities are aware that many of their students are using these technologies in their studies (Ajevski et al 2023). Most users of ChatGPT are aged between 18 to 34[6] and increasingly law clinics may find their students using, or wanting to use, Gen AI. There are several issues to consider when faced with this scenario – both positive and negative. Given the reputational and legal risks to clinics through the potential use of Gen AI, we first outline the potential risks and solutions before considering the benefits.

If law students use Gen AI tools without understanding their limitations and risks, similar concerns will arise as detailed above for litigants in person. Students need to

[6] 28.04% of 18 to 24 years old, and 33.52% of 25 to 34 year old using ChatGPT 100+ Incredible ChatGPT Statistics & Facts in 2023 | Notta

be aware of the problems caused by hallucinations and errors, jurisdiction issues and changes in the law that are not being identified by the tools. However law students, particularly towards the end of the law degree, should have the foundational knowledge and skills required to fact check the output of Gen AI and be better able to identify these problems when they occur.

There are other ethical and data protection issues law clinics should be aware of. Whilst the output of Gen AI appears superficially very convincing, with excellent written English in plain language, as discussed above the advice is often too generic and lacks depth. As well as checking for errors, students will also need to be able to recognise where further research is needed, whether through using the Gen AI tools or in more traditional ways.

Gen AI models are trained on data sets drawn from the world wide web and this has raised ethical concerns around the accountability and transparency of these models (Stahl et al 2024). Open AI who developed ChatGPT relied on low paid workers from Kenya, Uganda, and India to process and filter data from the dark web (Perrigo, 2023). Concerns have been raised about these practices and the potential for bias. This is particularly important in clinic setting where queries may involve those from a traditionally disadvantaged background, whether by ethnicity, gender, or disability. Care will need to be taken that the advice given is appropriate to the context rather than replicating inherent biases within the models (Stahl et al 2024).

Confidentiality is another important risk to highlight. Any text entered into a Gen AI model, such as ChatGPT can subsequently become part of the model's training data. Whilst it is possible to use some of the models in 'private mode' and refuse consent to share any information, it is not clear how this works given the novelty of the technology. Law clinics have a duty of confidentiality to their client and often deal with sensitive data. It is therefore important that law clinics have systems in place to remind students about the data protection and confidentiality risks. If students are permitted to use Gen AI, they should ensure that any research conducted is in the private mode and on an anonymous basis and no client details are entered into the tool, either explicitly or in a way which could lead to a client being identified.

There is a similar risk for law clinics around copyrighted materials that are inputted into the Gen AI models, such as clinic templates or precedents, as they may become part of the training materials and copyright is effectively lost. Clinics permitting the use of Gen AI must decide the extent to which they are happy for their documentation to be put into the tool and ensure that students are aware of the rules surrounding this.

All the above concerns can be potentially mitigated by appropriate training of students and supervisors around the nature of Gen AI tools, the risks that they pose and how to address them. Given the risks, law clinics may question why they should

permit students to use Gen AI. As posited at the start of this article, technology is changing the delivery of legal services and the administration of justice (Poppe, 2019). There is an opportunity for law schools to enhance their students' employability skills and prepare them for future practice. The QAA Subject Benchmark Statement: Law[7] at 1.18 invites law schools as part of entrepreneurship and enterprise education to explore the use of AI software and tools to consider the emerging ethical issues. The underpinning pedagogy of clinical legal education is 'learning by doing' and encouraging students to learn from real world problems (Bloch, 1982, Giddings, 2014). There can be no doubt that understanding the opportunities, limitations and risks posed by Gen AI is a 'real world' problem that students will face if they move into legal practice (Ajevski et al 2023). It is recognised that engagement in clinical legal education supports the development of graduate employability skills (Cantatore et al 2021). Exploring the use of Gen AI tools in law clinics supports students to understand the application of these tools in 'real world' situations to create context awareness and support the development of graduate employability skills that are going to be critical for legal practice. New roles are emerging as result of the increased use and interest in Gen AI. In the short term, positions such as prompt engineers will be required (Mohney, 2023). The creation of appropriate prompts will be key to refining the models, giving law students the opportunity to use these tools at law school may help prepare them for the realities of the transforming world of work (Ajevski et al 2023).

[7] Subject Benchmark Statement: Law (qaa.ac.uk)

AI systems will not replace lawyers, but they will increase the efficiency and productivity of lawyers (Simshaw, 2022). Similarly, law clinics can harness the benefits of AI and use these tools to operate as AI assistants. Encouraging law students to work in partnership with Gen AI has the potential to increase efficiency and this can allow students to spend more time on the human aspects of the work (Simshaw, 2022, Mohney, 2023). There is a race to capitalise on the benefits of Gen AI and this is leading to the development of new tools, one example which is particularly relevant for law clinics is Lexis + AI[8]. Lexis + AI harnesses the power of Gen AI and allows for conversational searching of Lexis Databases. This enables users to ask legal questions, which it will provide an answer to limited to jurisdiction and cite case law. It supports the drafting of legal documents, and it can already draft a memo, letter, email, and a contract clause. It can summarise cases, providing a one paragraph summary of a case when a citation is entered. It allows the users to input up to ten documents that it will summarise, and then the user can ask questions about the documents. Lexis + AI state that it provides 'hallucination' free legal citations. It is currently being trialled in the US. At the time of writing, it is not clear when it will be available in the UK and whether it will be included as part of a university LexisNexis subscription. If law schools can access Lexis + AI, then there will be significant benefits in incorporating it within clinical work rather than using other Gen AI models such as ChatGPT.

[8] **Lexis+ AI™ on Vimeo**

Another way these tools could be useful is to generate legal documents from user prompts (Granat, 2023). As our research demonstrates, Gen AI performs more strongly at providing clear, practical next steps for clients. In our experience this is something which students often struggle with, particularly when they start working in law clinics, preferring to focus on legal rights and legal solutions (even where this may not be practicable). Using these models as a research tool to suggest practical next steps in the disputes, such as ADR, may help students to understand all the options available and improve the quality of advice offered to clients. The use of a tool such as Bing would also enable students to easily find reliable and authoritative websites to refer clients to for further information, such as citizens advice or gov.uk.

Some students may not have English as their first language or may struggle with written communication due to a disability such as dyslexia. Text generated by AI is generally of a high standard of written English, so allowing the use of this technology to assist in writing can reduce the time and resource required to review and amend written communications such as letters of advice. [9] Writing tools are not new: we have spell check, Grammarly, and predictive texting. What is different is that Gen AI can go beyond editing and generate the entirety of the text (Kane, 2023). This is going to become more common place - Microsoft have launched Microsoft Co-pilot[10] which

[9] Lord Justice Birss used ChatGPT to help him summarise the law as part of his judgment, he referred to it 'as jolly useful' Court of appeal judge praises 'jolly useful' ChatGPT after asking it for legal summary | Artificial intelligence (AI) | The Guardian

[10] Microsoft Copilot – Microsoft Adoption

incorporates the use of a large language model and works alongside apps such as Word, Excel, and PowerPoint to automate tasks and draft content. At the time of writing Microsoft Co-pilot is a premium service but it is likely to become standard in due course.[11] AI's writing ability is impressive, but we also need to be cognisant of the risks of students losing writing skills if we allow them to become over reliant of these tools (Kane, 2023).

Finally, law clinics often have too many cases and clients, and too few students and supervisors. If students use Gen AI appropriately and understand how to use it responsibly and ethically, it can speed up the research process and reduce the time required for writing and reviewing the advice. This could potentially allow clinics to see more clients. Whether clinics decide to allow students to use Gen AI or prohibit it, it is important that all clinics have a Gen AI policy setting out what is (and is not) permitted within the clinic setting.

Limitations

There are limitations with this study, one of the features of Gen AI tools is that they do not reproduce the same response to the same question. Although the methods taken in generating responses to these questions could be replicated, it is not possible to replicate the same answers. It is also recognised that the interpretation of the

[11] What is Microsoft Copilot? Here's everything you need to know | ZDNET

responses is based on the author's assessments, and it is possible for others to have different insights. The significance of inputting these questions into the Gen AI models is not so much in the substance of the responses as in demonstrating the capabilities (or lack thereof) of these models allowing for a broader discussion of Gen AI in supporting access to justice. By undertaking this analysis, we have a deeper understanding of the issues of Gen AI and how they should be framed in the discussions around technology and access to justice.

Conclusion

There is no doubt that this technology is a disrupter, and there will be implications for the practice of law and access to justice. We should not underestimate the significance of ChatGPT and other Gen AI tools on access to justice; there are serious concerns about the quality of information produced by Gen AI responses as well as the potential impact on non-lawyers. Although, new forms of technology are emerging, it is important to recognise they are still in the development and early adoption by users is problematic. Although Gen AI offers future possibilities there are real concerns now around how we ensure that the benefits of AI are available equitably to everyone. There is an urgent need for a public legal education campaign and resources to manage the expectations of Gen AI and consider how we mitigate the reliance on poorer performing versions of the technology. We would also encourage law clinics to consider their approach to Gen AI and draft policies that address Gen AI in their clinical legal education work.

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EVALUATING THE ACADEMIC BENEFITS OF CLINICAL LEGAL EDUCATION: AN ANALYSIS OF THE FINAL AVERAGE MARKS OF FIVE COHORTS OF LSBU LLB GRADUATING STUDENTS, 2011-2015

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Abstract

This article seeks to contribute to the ongoing pedagogic debate about the aims and benefits of clinical legal education and to do so using a quantitative methodology.

It is the result of a collaborative project within the School of Law & Social Sciences at LSBU, researching whether placements in our Legal Advice Clinic have had any positive impact on Law students' academic performance. We have analysed the academic results[2] of five cohorts of LLB full-time undergraduates, those graduating from 2011 to 2015,[3] to see whether students who volunteered in our Legal Advice Clinic achieved better grades than those who didn't. Generally, they do. However, given the fact that places at the clinic are limited and recruitment is selective and to

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[2] We would like to thank Dr Bond's Post-graduate student, Joshua Freeman-Birch, who undertook the long hours of date entry to code the results of five cohorts of LLB law students results, to allow the research to be conducted.

[3] Unfortunately, writing up our research has taken longer than we hoped. Conducting the data analysis and the impact of COVID are the two main reasons.

try and eliminate the possibility that the most academically successful students are the most likely to volunteer and be selected, we have controlled for first year average results. Even so, it appears that students who achieve similar grades in their first year are likely to get slightly better final grades, just under 2% better, if they volunteer in our Legal Advice Clinic in their second year.

Introduction

This article seeks to contribute to the ongoing pedagogic debate about the aims and benefits of clinical legal education and to do so using a quantitative methodology. The research originates in discussion of anecdotal evidence that clinical legal education is of academic benefit for law students, as well as benefiting the development of their legal skills, their employment prospects, and individual members of our local community in need of legal advice. Members of the Legal Advice Clinic team observed how rapidly students' self-confidence and ability to summarise clients' initial statements develop over the period of a semester (usually up to 8 half day sessions in the LAC) and we speculated on the likely benefits for their studies on the LLB. At the same time, Professor Elaine Hall, Professor of Legal Education Research at Northumbria University[4] and the then editor of the International Journal of Clinical Legal Education, was advocating greater use of quantitative methods in legal education research.[5] We decided to research the comparative performance of our LLB

[4] See - https://www.northumbria.ac.uk/about-us/our-staff/h/elaine-hall/ (accessed 2nd September, 2023).
[5] IJCLE Conference, Northumbria March 21st & 22nd, 2016.

students and sought expert help from our colleague in the Division of Social Sciences, Dr Matthew Bond. The result is an analysis of 5 years' worth of data that appears to show modest academic benefits, alongside the usual justifications for clinical legal educations such as skills, employability and social justice. We have analysed the academic results of five cohorts of LLB full-time undergraduates, those graduating from 2011 to 2015, to see whether students who volunteered in our Legal Advice Clinic achieved better grades than those who didn't. Generally, they do. However, given the fact that places at the clinic are limited and recruitment is selective and to try and eliminate the possibility that the most academically successful students are the most likely to volunteer and be selected, we have controlled for first year average results. Even so, it appears that students who achieve similar grades in their first year are likely to get slightly better final grades, just under 2% better, if they volunteer in our Legal Advice Clinic. We will now explain the context in which the Legal Advice Clinic operates and how it works, and how law student volunteers are recruited, before discussing the research itself.

Context, operation, and impact of the LSBU Legal Advice Clinic

When we opened the LSBU Legal Advice Clinic in September 2011, our principal aims were to: (1) establish a social welfare legal advice service which would deliver a tangible benefit to the local community; (2) develop students' practical knowledge of the law in context to enhance their confidence, skills and employability; (3) provide a basis for developing a teaching and learning resource for other universities.

LSBU has an exceptionally diverse cohort of UG law students. A comprehensive survey completed shortly before we opened the Clinic found that prior to entering university: 25% UG law students lived locally in southeast London; 57% were female; 65% over 21; 70% non-white with black African the largest single ethnic group (27%); 52% FT students were in paid employment during term time with 80% working 9 hours a week or more; 17% were looking after at least one school age child.[6] As a result of this demographic, our students were (and still are) less likely to have links to the legal profession, less likely to have family members who can find them work experience and much less likely to be able to afford to take up unpaid work placements and volunteering opportunities. It is for this reason that we have developed a core module in the second year of the LLB, called Working in the Law, which focuses on professional skills and career development and encourages and supports students to find internship and volunteering placements. The Legal Advice Clinic was developed to create such placement opportunities alongside those we could find in our local legal community (supported by the South London Law Society[7]).

There is an extensive body of research on the significance of the provision of timely social welfare law (SWL) advice in the UK (housing, family, debt, immigration, employment, education, welfare benefits). Research findings include: the tendency of

[6] James C, Koo, J and Rodney M, 'Mismatches between student expectations and reality: a problem for student engagement', paper given at Learning in Law conference 28-29 January 2011.
[7] See https://southlondonlawsociety.com/ (accessed 2nd September, 2023).

SWL problems to 'cluster'; the importance of early intervention to solve SWL problems in order to avoid increased social and economic costs down the line; the links between unresolved SWL problems and health and well-being; and the problem of 'referral fatigue' which sees a proportion of people giving up each time they are not offered help by an agency they approach for help with a SWL problem, but instead are referred or signposted on elsewhere.[8]

LSBU's campus is in the heart of the London Borough of Southwark, one of the most deprived local districts in England, ranking in the bottom quartile of local authorities in England.[9] Demand for SWL in our locality is consequently enormous, whereas supply is extremely limited.

The Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO), which came into force in April 2013, has drastically reduced the Legal Help scheme, which had previously funded a network of pre-action SWL advice for people on low incomes in England and Wales, delivered by solicitors and other legal advice providers. Welfare benefits and employment advice was taken out of scope altogether; housing, debt, education, and family advice was severely restricted. The Legal Advice Clinic

[8] See, for example: Genn, H. (1999) Paths to Justice: What People Do and Think About Going to Law. Oxford: Hart Publishing; Balmer, N. (2013) Summary Findings of Wave 2 of the English and Welsh Civil and Social Justice Panel Survey, Legal Services Commission; Pleasance, P. & Balmer, N. (2014) How People Resolve 'Legal' Problems: Report to the Legal Services Board.

[9] Indices of Deprivation 2019. Southwark's Joint Strategic Needs Assessment (JSNA). Southwark Council: London. 2019. Deprivation scores are based on 39 indicators, organised around 7 domains of deprivation: income, employment, health, education skills & training, crime, barriers to housing & services, living environment. These are combined and weighted to form an overall score. See https://www.southwark.gov.uk/health-and-wellbeing/public-health/health-and-wellbeing-in-southwark-jsna/southwark-profile > last accessed 13 March 2023

delivers free, on the spot, face-to-face social welfare law advice to the general public, i.e., advice in precisely those areas of law targeted by LASPO.

The Clinic is staffed by undergraduate 2nd and 3rd year law students and some postgraduate students. The student legal advisors are supervised by university-employed lawyers with current practising certificates who between them have decades' experience of practice in social welfare law.

At the period under study (2011-2015) we were open one and a half days a week for drop-in face to face legal advice: Tuesday mornings, Wednesdays all day.[10] For each drop-in session we have 2 advice teams, each comprising two students and one supervising lawyer. Another student works as a receptionist, taking clients' basic details, allocating them to an advice team and managing the queue. Reception duties are rotated. Typically, each student team would deal with 2 or 3 drop-in clients a session. The Clinic is open throughout the academic year.

The process in the interview room is as follows. First, we take instructions: find out what the problem is, gather all the relevant information and identify what the client wants to achieve. Second, the interview is paused briefly and the client waits while we go to our back office and research the issue, using resources including Advice Guide[11] (a publicly available web resource maintained by Citizen's Advice),

[10] We have subsequently expanded our service and are now open five days a week: all day Tuesday, all day Wednesday and Friday mornings for face-to-face dop in SWL advice; Monday afternoon and Thursday afternoon for online SWL advice.

[11] See https://www.citizensadvice.org.uk/ (accessed 2nd September, 2023).

Advisernet[12] (a subscription resource also maintained by Citizen's Advice and comprising the most comprehensive social welfare law resource available in the UK), Advice Now[13] (an authoritative and reliable 'aggregator' SWL information and advice resource), and key practitioner books published by Child Poverty Action Group,[14],Disability Rights UK,[15] and Legal Action Group[16]. Third, we return and feed back to the client the advice we have researched. Fourth and finally, we write up a succinct advice note once the client has left. If the client requires written confirmation of our advice, they can wait and take a copy of our advice record away with them. We generally take a maximum of approximately an hour and a half for the whole process.

At the drop-in sessions we can provide basic information on any legal topic, give generalist advice on all SWL matters (apart from immigration and asylum – for regulatory reasons), and, if we think clients need more help than we can offer, signpost and refer them to appropriate local legal advice agencies and law firms, or to the Clinic's own evening sessions. At the Clinic's weekly Thursday evening sessions, the students shadow pro bono solicitors from four large local private Legal Aid law firms who provide specialist legal advice in family and housing. Clients can only access the evening sessions via the daytime drop-in.

[12] See https://www.citizensadvice.org.uk/about-us/adviser-resources/advisernet-information-system/ (accessed 2nd September, 2023).
[13] See https://www.advicenow.org.uk/ (accessed 2nd September, 2023).
[14] See https://cpag.org.uk/ (accessed 2nd September, 2023).
[15] See https://www.disabilityrightsuk.org/ (accessed 2nd September, 2023).
[16] See https://www.lag.org.uk/ (accessed 2nd September, 2023).

Since opening, we have advised more than 4,000 clients and trained more than 350 law student volunteers.

In 2013, we published a 70-page open access drop-in manual via the HEA and LawWorks[17] for use by other universities who may wish to adopt our face-to-face advice method. It has been adopted by Law Clinics at the University of Portsmouth and the University of Worcester and has informed the development of other clinics such as the University of Hertfordshire.

To better understand what the student volunteers do in the Clinic, and the service provided to our clients, it may be helpful to compare our service to that typically offered by a Citizens Advice Bureau (CAB). If a client visits a CAB in the UK, they will typically get a 10 minute triage appointment with a "gateway assessor" who will see if they can resolve the enquiry by the provision of some basic information, often by giving the client a leaflet or a factsheet, or in some other way taking them through standardised information which is not tailored to them as an individual. If the 10 minute "gateway assessor" appointment cannot resolve the enquiry, then the client will go through to a full generalist advice appointment, typically one hour long; the advisor is now dealing with the client as an individual, tailoring advice to their circumstances. As a result of the experience and qualifications of our supervisors, our student advisors are commonly able to deliver legal advice that goes beyond that

[17] See Sample Drop-In University Clinic Handbook: https://www.lawworks.org.uk/solicitors-and-volunteers/resources/sample-drop-university-clinic-handbook (accessed 23/6/23).

provided at a full generalist appointment at the CAB. It means we are in fact often able to give what could be more properly characterised as specialist rather than generalist level SWL advice at the drop-in sessions, particularly in relation to housing, homelessness, and employment. This reflects the specialisms of our current supervisors, all of whom are also experienced in delivering generalist level SWL advice in other subject areas.

Recruitment, training and supervision in the LSBU Legal Advice Clinic

Although the recruitment of students for the Clinic is a competitive process, the majority of students are successful. Around 90% to 95% of students who apply are offered a place in the clinic as we want to give all of our students the opportunity of a placement. Students are selected on merit following an equal opportunities process where prior knowledge of the student is discounted. The students complete a five-page application and are interviewed face-to-face by Clinic supervisors. In the interview all candidates are asked the same questions and are marked against the following six criteria:

1. Reliability and commitment;
2. Good interpersonal and communication skills, including oral, written and numeracy skills;
3. Good IT and keyboard skills;

4. Good organisational and administrative skills, including the ability to manage time effectively;

5. Ability and willingness to work as part of a team and to learn new skills to carry out the role; and

6. Willingness and ability to be flexible, open minded and non-judgmental regarding clients and their problems.

The method of selecting students mirrors a recruitment assessment process; only the interview and application form are taken into account. Other information such as academic ability is not considered although we are cautious about accepting students who are struggling academically as it may not be in their best interests to volunteer in the Clinic, which requires a substantial time commitment of three hours or more, every week for a semester. During the period under study, 2011-15, placements in the Clinic were not directly credit bearing, although 2nd year undergraduate students would generally choose to utilise their experience in the Legal Advice Clinic as the basis for an assessed self-reflective log for the Working in Law module described above. The recruitment procedure is time consuming but over the years it has thrown up very few problems. The rigour of the process means we can provide detailed feedback to any student whose application is unsuccessful, which has always resolved any concerns raised by students.

Before advising, the student volunteers are provided with two days of training by the Clinic's supervising solicitors covering interviews, research, advice and record keeping skills and the Clinic's policies and procedures, including confidentiality and anti-discrimination. Role play is used to allow the students to practice the required skills in a controlled environment. The bulk of the training continues throughout the placement and is delivered by close supervision.

The drop-in advice session model requires highly experienced supervisors and a high ratio of supervisors to students: generally two students to one supervisor.

The experience of the supervisors is crucial to providing high quality experiential learning without compromising on the service to the client. The busy and sometimes hectic drop-in advice sessions plunge students into the deep end of service delivery. Before the interview the students do not have a detailed account of the client's problem. In a very short space of time, the students have to build a relationship with the client, identify the problem and obtain sufficient information to give advice. This demands competent interviewing skills: active listening, swift factual analysis, empathy and effective verbal and non-verbal communication. When advising, the students learn how to explain complex legal concepts and procedures clearly and succinctly. Within the fixed times of the drop-in session the students have to complete accurate, clear and concise case records. This hones their writing skills, typing and ability to work under pressure.

Close supervision is pivotal to the success of this model: the students are closely supervised at each of the four stages of the advice process as described above. The supervisor sits in with the students' as they take instructions, do their research, give advice and write up the attendance record of the instructions and advice given. The supervisors' role is to allow the students to exercise autonomy but to provide support when appropriate. The students are encouraged to take the lead from the first interview but, if necessary, the supervisor will step in and work collaboratively to develop the students' skills and confidence. The close supervision means that accurate, detailed, and effective feedback can be given to students. The needs and interests of the client are protected throughout by the close supervision model.

Reflection is built into the supervision design. At the beginning of the advice sessions the supervisors encourage the students to reflect on their experience. Reflection is widely recognised as a fundamental feature of legal education. Leering, for example, argues that

"disciplined reflection improves student learning; it develops metacognition, reflective judgement, capacity for critique and higher order thinking, all of which support the goals of legal education, and is essential for developing an ethical stance and building professional knowledge, skills, attributes and values."[18]

[18] Michele M. Leering, 'Perils, pitfalls and possibilities: introducing reflective practice effectively in legal education' (2019) 53 (4) The Law Teacher 431

Although we launched the Legal Advice Clinic before we encountered Dreyfus and Dreyfus,[19] our supervision practice, based on our experience of working in UK Law Centres, aligns well with their model of directed skill acquisition[20]:

"Anyone who wishes to acquire a new skill is immediately faced with two options. He can, like a baby, pick it up by imitation and floundering trial and error, or he can seek the aid of an instructor or instructional manual. The latter approach is far more efficient, and in the case of dangerous activities, such as aircraft piloting [and we would say providing legal advice], essential"[21]

Their model identifies five stages of skills mastery: novice, competence, proficiency, expertise and mastery where learning is aided by an instructor. In the first stage, novices are provided with a decomposed context-free environment so they can recognise the composition of the requisite skills. For our students, this stage takes place in the training sessions with extensive use of role play and at the start of the placement, when the supervisor helps the students deconstruct the interview process and identify key skills. In the second stage, competence, with more experience of the real-world context and assisted by the instructor the learner develops an

[19] Dreyfus S, Dreyfus H. A five stage model of the mental activities involved in directed skill acquisition. California University Berkeley Operations Research Center [monograph on the Internet]; 1980. <https://www.academia.edu/30981679/A_Five_Stage_Model_of_the_Mental_Activities_Involved_in_Directed_Skill_Acquisition> accessed 19 August 2021

[20] See Alan Russell, 'University based drop-in legal advice services in the UK; widening access to justice and tackling poverty' Group Access to Justice and Poverty' <https://openresearch.lsbu.ac.uk/download/0b38b9a08a3a9549e755429330beb8b6c9d39be110579f351ee36b88ee854511/520478/ASAP%20Brazil%20Conference%202016_Access%20to%20Justice%20and%20Poverty%20Group_Final%20Paper_LSBU_Alan%20Russell_04%20August%20%202016.pdf>accessed 19 August 2021

[21]Dreyfus & Dreyfus, Skills acquisition (n 9), p1

understanding of situational features. In the Legal Advice Clinic, as the students progress, supported by their supervisor, they start to recognise key features of advice giving in the relevant context. Dreyfus and Dreyfus describe the importance of being conscious of the developmental stage of the learner and tailoring the training to the appropriate stage.

"The training implications of this taxonomy are obvious. The designer of training aids and courses must at all times be aware of the developmental stage of the student, so as to facilitate the trainee's advancement to the next stage, and to avoid the temptation to introduce intricate and sophisticated aids which, although they might improve performance at a particular level, would impede advancement to a higher stage, or even encourage regression to a lower one."[22]

The close supervision method in the Clinic enables the supervisor to assess the development stage of the student and tailor the training to the needs and level of student following the Dreyfus and Dreyfus model. In the course of a semester, even students without any relevant prior experience of advice work progress for being novices to competence and some demonstrate proficiency, making active decisions in live client interviews, based on analytical thinking rather than simple rule following. While students will only later, through extended professional practice, achieve the stages of Expertise and Mastery in their legal professional skills, it seems to us that the clinic students made significant progress in acquiring skills that are relevant to academic study as well as legal practice, particularly client interviewing and

[22] Dreyfus & Dreyfus, Skills acquisition (n 9), p16

attendance note taking, legal analysis, legal research and legal writing.[23] One key observation was the rapid progress that students made in being able to write effective summaries of the client's case from their interview notes. Our observations were backed up by student feedback, such as the following:

*"It is an experience that I believe will stay with me throughout my career. Being able to provide advice in-person to genuine clients with genuine needs, whilst still studying, has been at times exhilarating, at times nerve-wracking, and always rewarding." (*LAC Student Advisor 1*).*

*"This experience is so rewarding and beneficial. We are providing a great service to our local community whilst learning a great deal ourselves. I have been taught so many new skills from the experienced solicitors that supervise us - the training we receive is of an exceptionally high standard. No other legal work experience I have done has given me this level of responsibility and client contact. Working at the clinic has really boosted my confidence. It is helping steer me towards becoming the type of lawyer I would like to be." (*LAC Student Advisor 2*)*

"The workplace has always been so daunting for me, and one in which I did not think I would thrive in. But working in the LAC has changed that – thank you for your support and encouragement, which has developed my confidence further and has given me courage to step outside my comfort zone. In fact, I have you … to thank for the job offer I received from a firm

[23] To adopt the language of the England & Wales Solicitors Regulation Authority, SQE 2 Assessment Specification, see https://sqe.sra.org.uk/exam-arrangements/assessment-information/sqe2-assessment-specification (accessed 23/06/23)

that specialises in Trade Mark Law last summer, where I did 3-weeks of work experience…."

(LAC Student Advisor 3)

It is in this context, observing significant improvements in students' legal skills and receiving positive feedback about the impact of the experience on their confidence and engagement, that we began to wonder if volunteering in the Legal Advice Clinic might have a positive impact on students' academic grades, particularly in their final year of study. The question was how to try and measure this and so we turned to our colleague Matthew Bond, a quantitative sociologist, for help.

Methodology

The sample for the research were five cohorts including all graduating Law students starting from the 2010-11 to 2014-15 academic years. The total size of the sample was 603 students, but the analyses only included 586 students because of missing data on first year marks for 17 students.

Data were collected for three variables: 1) the dependent variable: final year mean mark which was a continuous variable, 2) the independent variable: participation in the clinic which was a dichotomous dummy and 3) a control variable: first year mean mark which was a continuous variable. Analyses included bivariate and multivariate linear regression and independent sample t-tests (not included in paper). The study was observational with no manipulation of the independent variable.

To assess the impact of participation on student's grades their mean marks in their third year were compared across those who participated in the clinics and those who did not. Because the study was observational, there was the potential that differences between the two groups could be a spurious outcome of more able and motivated students applying for and being selected to participate in the clinics. To control for this, average module marks at Level 4 (first year) were included in the model as a control. The effect was to compare students with similar grades at the end of Level 4 to see if the Clinic students achieved better (similar, or worse) grades on graduation, at the end of Level 6.

Summary of Analysis

Coefficients[a]

Model		Unstandardized Coefficients		Standardized Coefficients		
		B	Std. Error	Beta	t	Sig.
1	(Constant)	56.255	.383		147.064	.000
	Participated	7.088	.892	.312	7.948	.000
2	(Constant)	28.848	1.946		14.823	.000
	Participated	**1.975**	.848	.087	2.331	.020

Year 1 Average	.537	.038	.533	14.289	.000

a. Dependent Variable: Year 3 Average

The results of the analysis of all cohorts are largely consistent across the five cohorts. Clinic participants have higher third year average marks for all cohorts. When we control for 1st year average marks, the difference is only statistically significant in the 12-13 cohort and not in the other cohorts. However, when we analyse the results all together, the difference is statistically significant. Overall, the evidence supports the claim that students who participate in the clinic do better than those who do not but only by a modest amount (approximately 2 points higher). We recognise that our sample is relatively small and that further research by us in relation to later cohorts and by other university law clinics in relation to their students is required to see if these results can be replicated and to try and identify and test alternative explanations. Another limitation is that our research does not help to identify which aspects of the clinical legal education experience are most beneficial, although we suspect that the close supervision relationship and increased student self-confidence are important candidates. Clearly, further research is needed and we agree with Mkwebu who concludes, in Research on Clinical Education: Unpacking the Evidence,[24] that research on the effects and benefits of Clinical Legal Education is underdeveloped across a

[24] See Mkwebu T, Research on Clinical Legal Education: Unpacking the Evidence, Chapter 5.7, in Thomas L and Johnson N, The Clinical Legal Education Handbook, University of London Press (2020) - https://www.jstor.org/stable/j.ctvk8w167.9 (accessed 2nd September, 2023).

range of topics, including wellbeing and the mental health needs of clinic students and staff; reflection and assessment; skills development and student employability; social justice and regulation. The need for further research is urgent, given the continuous need to justify the place of clinical legal education in mainstream legal education, especially at a time when University budgets are in crisis.[25]

Next Steps: More Empirical Research into Legal Pedagogy

Our research also had a wider goal, that of seeking to develop a reliable method for testing whether our pedagogic practice achieves the outcomes that we aim for. We quickly realised, as we set out to prove, if possible, that 'clinic is good for you', how unprepared we were and how difficult was the task we had taken on. Even with expert help from our colleague Dr Matthew Bond, we can see that our first effort is quite basic and crude in its attempt to measure whether volunteering in the Legal Advice Clinic contributes to better academic grades. As someone said when we first presented the results, at least we appear to have proved that clinic does not detract from academic achievement. Nonetheless, we are pleased with our first attempt and happy to have added a measure of quantitative evaluation to our pedagogic storytelling and qualitative analysis. We hope that colleagues will be encouraged to follow suit.

[25] See, for example - https://www.theguardian.com/education/2023/may/31/funding-model-for-uk-higher-education-is-broken-say-university-vcs (accessed 2nd September, 2023).

A positive upshot of our project, is that we have now joined Professor Caroline Strevens[26] and other colleagues in a new qualitive study of law teachers' perceptions of the effect of teaching in clinic modules, exploring a hypothesis that law staff and law student wellbeing might be enhanced because CLE assists motivation through the satisfaction of basic psychological needs from the perspective of Self Determination Theory.[27] A wider aim of the project is to improve our qualitative research skills and to encourage and support wider use of empirical methods in legal education research.[28]

Conclusion

Over the years, different explanations and justifications for clinical legal education have been offered, including the development of professional legal skills, providing access to justice and employability.[29] In 1933, Jerome Frank famously recommended that 'the law schools should once more get in intimate contact with what clients need

[26] Professor of Legal Education, Portsmouth University – see https://www.port.ac.uk/about-us/structure-and-governance/our-people/our-staff/caroline-strevens (accessed 2nd September, 2023).
[27] Self-determination theory suggests that human growth and development requires the satisfaction of three basic psychology needs; autonomy, competence and relatedness. For an example of Professor's Strevens work see Duncan N, Strevens C and Field R, Resilience and student wellbeing in Higher Education: A theoretical basis for establishing law school responsibilities for helping our students to thrive, European Journal of Legal Education, Vol. 1, No. 1, May2020, 83–115 - https://ejle.eu/index.php/EJLE/article/view/10/10 (accessed 2nd September, 2023).
[28] We made an initial presentation on the project at the Association of Law Teachers Conference at University of Manchester Law School, 11th-12th April, 2022 - Clinical Legal Education and social responsibility: measuring outcomes
[29] See further, Brayne H, Duncan N & Grimes G, Clinical Legal Education: Active Learning in Your Law School, Blackstone Press Ltd (1998).

and with what courts and lawyers actually do[30]. In the 1960s and 1970s, legal clinics were established in Law Schools, particularly but not exclusively in the Common Law jurisdictions, to support access to justice and social change. From the 1980s and 1990s onwards, the justificatory focus has shifted back to skills, employability and student satisfaction as a response to new measures of quality assurance associated with the expansion of higher education.[31] The result of our research exercise has confirmed our view that these are not contradictory goals and that neither is there any necessary tension between liberal and professional education, a view that is supported by Guth and Ashford,[32] who argue for 'a more nuanced understanding of liberal legal education: one which does not oppose the teaching or exploration of practice relevant subjects or the learning of professional knowledge and skills; but one where these are acquired, if indeed they are, because they facilitate or come with the wider learning that constitutes a liberal education'. The central aim of our research has been to explore whether clinical legal education makes a measurable contribution to the traditional academic goals of law schools and law students (as reflected by academic grades) or is just a distraction. We conclude that clinical legal education can support and improve academic outcomes and is certainly not a distraction from or dilution of those goals. For the purpose of this article, we treat the skills and employment benefits of clinical

[30] Jerome Frank, Why Not a Clinical Lawyer-School ?, 81 U.Pa.L.Rev. 907 (1933)

[31] See, for example, Jeff Giddings, Roger Burridge, Shelley A. M. Gavigan and Catherine F. Klein, Chapter 1, 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, OUP, 2011

[32] Guth, J. and Ashford, C. (2014). The legal education and training review: regulating socio-legal and liberal legal education? The Law Teacher, 48(1), 5–19.

legal education as self-evident but for an argument in support from an employer's perspective, see Tony King[33] in Reimagining Clinical Legal Education,[34] where he argues that 'the skills and knowledge the students gain from CLE can be of use in any legal environment, whatever the nature of the work done there – in law firms, in-house legal departments, chambers and so on, whether focusing on private client or commercial work.[35] The results have encouraged us, particularly in the face of the challenges posed by the new Solicitors Qualifying Examination[36], to seek to mainstream experiential learning in our current law degree, with additional opportunities to take part in clinics and simulations embedded in new modules.[37]

[33] Former Chair of the Education & Training Committee of the Law Society of England & Wales.
[34] King T, Chapter 6, Clinical Legal Education: A view from Practice in Thomas L, Vaughan S, Malkani M and Lynch T (Eds), Reimaging Legal Education, Hart Publishing (2018).
[35] *Ibid.*, p 186.
[36] See Unger A, Chap 1, Legal education future(s) – the changing relationship between law schools and the legal profession, in Jones E and Cownie A (Eds), Key Directions in Legal Education: National & International Perspectives, Routledge (2020), https://doi.org/10.4324/9780429448065
[37] We have created a new clinic module (optional), a new negligence case simulation (core) and developed new Family Law, International Human Rights Law and Business Law (Solutionise) Clinics.