



# **Clinical Legal Education in Ireland: Progress and Potential**

by Larry Donnelly





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# Acknowledgements

This report emanates from numerous conversations I had with Noeline Blackwell, Director General of the Free Legal Advice Centres Ltd (FLAC) and with Rachel Power, Coordinator of FLAC's project, the Public Interest Law Alliance (PILA), about where clinical legal education in Ireland stands currently and how it should develop in the future. Their sincere belief in and commitment to clinical legal education as a catalyst for access to justice and for a more engaged legal community – both in the present and in the future – led them to commission this report. I am extremely grateful to them for doing so and for asking me to write it. Any errors or omissions in it, and there may be some, are mine alone. I apologise.

Of course, it would not have been possible to compile this report without the willingness of my colleagues in legal academia who are actively involved in clinical legal education to sit down for lengthy interviews and to gather and pass on a significant amount of data about the programmes they direct. For this, and for their ongoing collegiality and hard work in our joint efforts to advance clinical legal education in Ireland, I am very thankful.

Similarly, the clinical supervisors and students who shared their frank insights about how a programme that we in legal academia believe will succeed *actually* works have made invaluable contributions to this report which, I believe, are broadly representative of the hundreds of others we could not have interviewed. To all of them, I, on behalf of all the directors of clinical programmes in Ireland, offer my heartiest thanks.

I would also like to thank Professor Donncha O'Connell, Head of the School of Law at NUI Galway, for his support of my work on this report and our law school's clinical initiatives.

Our former student in the School of Law at NUI Galway, Fiachra Breathnach BL, did a superb job both in conducting interviews with clinical supervisors and students and in judging first year students in a moot court exercise to allow for a swifter completion of this report than would have been possible otherwise.

Finally, I hope that those who read this report will gain an improved sense of how we, as legal educators, seek continually to improve the learning experience of our students and to equip them not just with knowledge of the law, but also with practical skills and a social conscience. At a personal level, I have an abiding passion for clinical legal education and the transformative role it can play both in students' learning experience and more broadly in Ireland. Notwithstanding the occasional temptations of cynicism, I believe that this passion is shared by my colleagues and by the stakeholders in our work. I am hopeful that passion is evident throughout this report.

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## Foreword

As the only dedicated public interest law project in Ireland, the Public Interest Law Alliance (PILA), a project of the Free Legal Advice Centres Ltd (FLAC) and a public interest law network that seeks to engage the legal community and civil society in using the law to advance social change, has long valued the indispensable role that law students play as drivers of long term and sustainable change in legal culture. In promoting a practice of law that generates positive social change and affords access to justice, PILA believes that exposure to public interest law work at an early stage can instil enduring commitment to the ideal of justice in an entire generation of lawyers.

Since 2009, PILA has harnessed the skills and energy of law students through research, internships and FLAC societies, while positioning itself as a vehicle for development of clinical legal education through the Irish Clinical Legal Education Association (ICLEA). With significant strides made in bringing Irish legal education beyond the academic, PILA has commissioned this report as an opportunity to pause and take stock of all that has been achieved. Reflection, we hope, might also serve as a timely catalyst in drawing a roadmap for collective action that will bring clinical education to the next stage.

PILA would like to thank each of the law schools and clinical directors for their generous contributions to this report, and for continued commitment to producing not alone able students, but socially conscious emerging lawyers. PILA would also like to acknowledge the clinical supervisors and students who were interviewed for this report. Particular thanks go to Larry Donnelly for his extensive work in bringing this report together, and for the pivotal role he has played in making clinical legal education in Ireland a reality through PILA and in the School of Law at NUI Galway. And we finally thank Fiachra Breathnach BL who conducted some of the interviews for this report.





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# Introduction: Definitions and Context

Among the first questions posed by those who hear of clinical legal education for the first time is, quite rightly, “what is it?” After multiple attempts at devising a long-winded and convoluted, yet definitive and erudite, response, it’s best instead to refer questioners to a comprehensive description of what has been called the “greatest single innovation in law school pedagogy - and certainly in student learning - since the ‘science’ of the Socratic, case method was brought to Harvard by Christopher Columbus Langdell.”<sup>1</sup> Professor Richard Wilson, who is based at the Washington College of Law, American University and is one of the leaders of the global clinical movement, made the foregoing bold claim and set out the following parameters for clinical legal education in a law review article several years ago:

“I have a particular five-part definition for what constitutes ‘clinical legal education,’ as I technically use the term. However, let me make clear from the outset that a law school can call its clinical legal education program by any name - live-client clinic, legal aid, field placement (externship or internship), street law, simulation or role-play, apprenticeship or any other local name - so long as the focus is on student experiential learning - learning by doing - for academic credit. Notice that the key is not teaching, but learning; the teacher is, as some of my clinical teaching colleagues abroad have commented, not the ‘sage on the stage’ but the ‘guide on the side.’ Learning does occur when the student is more active than passive, and teaching techniques can be arrayed along a spectrum from most passive (lecture and case method) to most active (the live-client clinic). The subject matter areas of clinics can cover any of a wide array of subject-matter areas, from the classic criminal and general civil legal services areas to more explicit areas such as tax, small business or intellectual property...Finally, most clinics, like my own, are intensely aware of the mission of lawyers in serving justice, and in representing the weak against the strong.”<sup>2</sup>

Professor Wilson’s attempt at encapsulating what is a necessarily and usefully “broad church” of clinical legal education is as good as any that can be found in the pages of law journals and textbooks around the world.

The first question that might come into the minds of those who hear of this report is, again quite rightly: “Why?” The short answer to that question is that clinical legal education in Ireland is at a critical juncture. Vitally important further questions must now be addressed and answered by those of us involved in it. How far have we come? What are we doing? What should we do in future? What has worked elsewhere? Can we make it work here, and how?

This report is devoted to asking and answering these questions. Clinical legal education programmes, which have taken root in thousands of law schools in jurisdictions around the world, have only come into being in Ireland in the past decade. Although clinical legal education in Ireland remains at an incipient stage, it has grown in leaps and bounds in the last ten years or so, and virtually every Irish law school – whether situated in universities, institutes of technology, private colleges or run by the legal professions – has embraced clinical legal education.

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1 Richard Wilson, “Western Europe: Last Holdout in the Global Acceptance of Clinical Legal Education” (2009) 10 German Law Journal 823 at 823.

2 Ibid. at 829.

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In the classrooms and lecture theatres, unlike their predecessors, most Irish first year law students are now taught vital skills, such as research, writing and analysis, in a stand alone module. And in subsequent degree years, they increasingly participate in moot court and alternative dispute resolution competitions – both within the actual curriculum and as extracurricular activities. They provide free legal advice to fellow law students and others in clinics, typically under the supervision of practising lawyers and with the assistance of the Free Legal Advice Centres Ltd. Solely considering student run advice clinics at the National University of Ireland, Galway, the legal issues range from disability rights to landlord-tenant disputes. In short, the legal education provided to Irish law students in 2015 is more practical in nature than it has ever been before.

This report does not consider these laudable efforts at making the classroom and campus experience of law teaching more relevant to its practice. Rather, and in keeping with Professor Wilson’s broad description above, it focuses on clinical legal education – the follow-on from a more practical curriculum. Simply stated, this report examines the efforts of Irish law schools to expose students to how the law and legal system operate in the “real world.” And although postgraduate clinical initiatives are mentioned in various parts of the report, the emphasis is almost exclusively on the development of clinical legal education at undergraduate level.

The report features brief chapters on a cross-section of clinical legal education programmes in Ireland. The chapters include some hard data and information as to the scope and nature of these clinical programmes. Moreover, they feature interviews with the directors of the clinical programmes in which they reflect successes and learnings to date, sketch out plans for future development at their own law schools and offer overarching thoughts on the trajectory of clinical legal education in Ireland.

Because clinical programmes are still in their infancy here, most Irish law schools have embraced the placement/internship model referenced by Professor Wilson.<sup>3</sup> This largely owes to the fact that this model is *relatively* “resource light” to establish and maintain, though clinical directors here indicate just how time consuming and labour intensive even this model can be. “Street law” initiatives – where law students provide information to groups of people about their legal rights and responsibilities – have begun to spring up in Ireland and steps are being taken in the direction of the “live client” model in which students assist in the representation of actual clients in real cases. These are all discussed in detail in the first 8 chapters.

These chapters are followed by a short chapter on clinical initiatives afoot at three other Irish law schools. Next, there are two chapters on law schools in the United Kingdom, where clinical legal education is much further advanced. And then there is a lengthier chapter containing interviews with placement supervisors in which they evaluate their experiences of clinical legal education and testimonials from students of clinical programmes. Finally, a concluding chapter reflects upon what has emerged in the process of compiling this report and makes a number of recommendations about “best practices” for expanding and enhancing Irish clinical legal education with a view to replicating its international success.

In this vein, the report forthrightly and unapologetically endorses the popular perspective that clinical legal education is at its best when it is simultaneously purposed to combine 1) the “hands on” teaching and augmenting of practical legal skills with 2) the advancement of the public interest by endeavouring to improve access to justice for all. Accordingly, there is no reason why clinical programmes should not chart a similar course in Ireland.

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3 For more information, see Lawrence Donnelly, “Developing Irish Legal Education” in Thomas Mohr and Jennifer Schweppe eds) *The Irish Association of Law Teachers: Thirty Years of Legal Scholarship* (Round Hall 2011) 359; Lawrence Donnelly and Marie-Luce Paris, “Legal Education in Ireland: A Paradigm Shift to the Practical?” (2010) 11 *German Law Journal* 1067.



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Two final points are worthy of mention at the outset. First is that the Legal Services Regulation Bill – still under consideration and subject to additional amendment in the Oireachtas – may engender far-reaching change to many aspects of law practice and legal education. Although speculation persists at the time of publication of this report as to the nature and extent of the change that might be afoot, all involved in Irish clinical legal education currently are well aware of the possible permutations, yet have no choice but to press on with their efforts to provide students with a legal education that will best equip them for working in a legal world that is rapidly changing anyway. As such, interviewees did not have much to add about the Bill in this report.

Second, the report is intended to serve as a starting point for some necessary discussions among academics and the other key stakeholders in clinical legal education in Ireland. The Irish Clinical Legal Education Association (ICLEA), a loose grouping of academics driving clinical legal education in Ireland that was formed in 2013, is the primary forum and vehicle for these discussions. The recommendations flowing both from the interviews which comprise the report and the experience of its author are deliberately meant to be at least as provocative as they are dispositive. Clinical legal education in Ireland has come a significant distance in a very short space of time. This report measures that considerable progress and seeks to articulate a tentative plan – at micro and macro levels – for realising its equally considerable potential. Furthering Irish clinical legal education is a significant enterprise. Other stakeholders now need to contribute to the plan and to help establish a set of shared objectives for the future and ensure that we ultimately equal or surpass what has been accomplished almost everywhere else.



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# School Of Law, Dublin Institute Of Technology

## Facts and Figures

CLINICAL DIRECTOR: Dr. Mary Rogan.

WEBSITE: [www.dit.ie/llss](http://www.dit.ie/llss)

ACADEMIC YEAR FOUNDED: 2011/2012.

REQUIRED OR OPTIONAL: Optional.

ELIGIBLE STUDENTS: 120 students across full and part-time undergraduate programmes.

NUMBER OF STUDENTS PER YEAR: Approximately 10.

STRUCTURE: The provision of ongoing research support to non-governmental organisations (NGOs), to date primarily the Irish Penal Reform Trust (IPRT), on issues relevant to its remit.

MODULE TITLE AND ECTS: Law and Society: Research Clinic (10 ECTS).

ACADEMIC ENTRY: The programme is open to all full- and part-time LL.B. degree students.

SUPERVISOR SELECTION: (i.e., to what extent are supervisors involved in deciding which students are placed with them?) The partner NGO creates the brief for the research project.

ASSESSMENT: 100% of the numerical mark that is assigned to each student is based on the project work and the research report that is produced.

REPRESENTATIVE PLACEMENTS: IPRT.

## An Interview with Dr. Mary Rogan

The clinical legal education programme in the School of Law at the Dublin Institute of Technology (DIT) emanated from Dr. Rogan's prior role as Chair of the Board of Directors of the Irish Penal Reform Trust (IPRT), a non-governmental organisation which campaigns for the rights of people in prison and the progressive reform of Irish prison policy. She remains actively involved with IPRT. Also vital to the creation and operation of the programme has been the institutional support of DIT through its "students learning within communities" unit, which provided an initial grant and also gives IPRT access to the wide range of research databases to which it subscribes.

Dr. Rogan notes that the pre-existing, very strong relationship with IPRT made this clinical legal education programme just a "natural extension of what was there already." At an early stage, she made the strategic decision to start small and build up, i.e., "one partner, one brief." The student participants, to date, have benefitted substantially from their work researching complex legal issues, drafting reports and communicating their findings.



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Dr. Rogan says the students get to see how legal concepts work in a “real world” setting; that they learn that working as part of a group presents myriad challenges and requires mutual trust and support; that they experience something that is “out of the ordinary” for most third-level students; and they gain a sense of how their work can contribute to the development of law and policy initiatives. At the close of their work with IPRT, she finds that students have grown in terms of their legal knowledge and professionalism; that they are undoubtedly more attractive to potential employers; and that they have a far greater cognisance of how the law and legal system operate.

In turn, she observes that the clinical programme has been very beneficial for IPRT in that it obtains some excellent research reports that it would not have otherwise had. This research feeds directly into their advocacy on issues directly affecting those currently in prison and broader criminal justice matters. She believes that clinical legal education programmes have an increasingly important role to play in supporting the work of non-governmental organisations, in particular small organisations, in a context where much of the funding they have relied upon in past will no longer be available.

From her experience, Dr. Rogan opines that directing a clinical legal education programme “brings an extra sense of responsibility” because there is a third party relying upon the efforts of students; that it is far more time consuming than teaching ordinary modules; that maintaining the passion for the issues and nurturing the mutual good will among students, academics and partner organisations necessary to sustain a clinical programme requires tremendous energy and enthusiasm; and that it can be difficult to ensure continuity from one project of student research to the next.

Nonetheless, Dr. Rogan believes that the clinical programme comports ideally with the public service mission of DIT and that, even more fundamentally, it has confirmed her strongly held conviction that a third level institution has the responsibility to play an active role in the community and society in which it exists. She finds her supervisory role in this clinical module to be “easily the most rewarding form of teaching she does.” Moreover, it has cemented her views that legal education is still too doctrinal and needs to be more practical and multi-disciplinary, and that legal scholarship should primarily focus on influencing policy making, not on more theoretical or abstract esotericisms.

Dr. Rogan plans to expand the clinical legal education programme at DIT by working with other non-governmental organisations in the short term. She also sees the potential for more Ph.D. students to be at least partially funded by non-governmental organisations and to undertake research that will both benefit the organisation and be recognised as part or all of a doctoral dissertation – as is currently being done with IPRT and doctoral student Kate O’Hara. She hopes to also start a programme of part-time student placements for academic credit.

With respect to the “live client” clinical model, Dr. Rogan thinks that such a worthy endeavour would first require some serious questions to be asked about legal academia in Ireland and the divide between practice and academia. Should legal practice experience be more valued in legal academia? Should there be a recalibration of hiring criteria for people who do clinical work, e.g., a practitioner grade? These are central questions in need of urgent answers if clinical legal education in Ireland is to rise to the “next level.”

Dr. Rogan believes that the Irish Clinical Legal Education Association (ICLEA) has an important role to play in framing these questions and advancing the cause of breaking down the divide between theory and practice. Furthermore, she asserts ICLEA can serve as a useful platform for people in the field to work in collaboration, not in competition, with respect to obtaining necessary buy-in from the legal professions and from the Higher Education Authority (HEA). Appealing to the latter for badly needed resources may present a very real opportunity for Irish clinical legal education to have a transformative impact because clinical legal education fulfils virtually all of the overarching goals it has recently set out in a number of framework documents. Dr. Rogan suspects that the regrettable current context in which service provision may fall to an unprecedented extent to third level institutions could engender a growth in ambit of Irish clinical legal education.

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Dr. Rogan regards the public interest as being to the fore of the clinical legal education programme at DIT. On one level, she states that “when students see ‘real world’ law, they see all of the other issues involved for persons and organisations in litigation or campaigns. These myriad pressures often overwhelm the precise legal points they typically learn about in a vacuum in their law course.” And at a broader level, through clinical legal education programmes, “in addition to developing practical skills, students are rightly exposed to systemic flaws; this exposure and consequent consciousness-raising can plant the seeds for effecting change in the long term.”



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# School Of Law, University College Cork

## Facts and Figures

CLINICAL DIRECTORS: Dorothy Appelbe and Dr. Seán Ó Conaill.

WEBSITE: <http://www.ucc.ie/en/lawsite/>

ACADEMIC YEAR FOUNDED: B.C.L. (Clinical): 2006 (Separate Central Applications Office (CAO) entry: 2008); B.C.L. (Law and Irish): 1999.

REQUIRED OR OPTIONAL: Required.

ELIGIBLE STUDENTS: Students who have opted to do either course participate in the third year of a four year degree programme.

NUMBER OF STUDENTS: B.C.L. (Clinical): 12 annually; B.C.L. (Law and Irish): 8 annually.

STRUCTURE: Full-time placement for the duration of the third academic year.

MODULE TITLE AND ECTS: 60 ECTS (one full academic year's work).

ACADEMIC ENTRY: CAO.

SUPERVISOR SELECTION: (i.e., to what extent are supervisors involved in deciding which students are placed with them?) Some placement supervisors – primarily from large law firms – are directly involved in selecting students. Others – primarily from non-governmental organisation and smaller firms – defer to the recommendations of the clinical directors about which students are placed with them.

ASSESSMENT: 40 ECTS are assessed on the basis of work undertaken on placement and a reflective learning journal. 20 ECTS are assessed on the basis of a research project, which is derived from the work undertaken on placement. The students do receive a numerical grade, but the year is formally assessed on a Pass/Fail basis.

REPRESENTATIVE PLACEMENTS: Big five law firms; Government offices (e.g., Office of the Attorney General, Press Ombudsman's Office, etc.), Free Legal Advice Centres Ltd (FLAC), Translation Project at Dublin City University, Cork law firms.

## An Interview with Dr. Seán Ó Conaill

The School of Law at University College Cork was among the first in Ireland to recognise the import of practical skills training for its law students and, at the instigation of former Professor (and later High Court Judge) Bryan McMahon, began hosting a visiting fellow from the United States to teach legal research and writing as a stand-alone module many years ago.

More recently, the School of Law was the first to launch a clinical legal education programme in Ireland. There are two denominated programmes at undergraduate level: the B.C.L. (Clinical) and the B.C.L. (Law and Irish). And in the last couple of years, a feature of its postgraduate LL.M. (Child and Family Law) has been the participation of students in the Child Law Clinic (see <https://www.ucc.ie/en/childlawclinic/> for more information), which provides research assistance to practitioners in this area and which has achieved some extraordinary success in a very short lifespan.

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Dr. Seán Ó Conaill, one of the two clinical directors, regards the experience of the clinical legal education programme as “exceedingly positive” to date by every academic and institutional barometer. Students have been almost universal in their praise for it. He believes that the clinical programme has helped the School of Law to keep its finger “on the pulse” of law practice and that the experience of students while on placement has led directly to changes in how traditional law modules are delivered – e.g., expanded group and project work, emphasis on brevity in written communication, teaching grounded in practice. He also notes that, at a local level, the clinical programme has deepened relationships between the School of Law and broader university with the legal and broader community in Cork.

Dr. Ó Conaill maintains that the students get a significant benefit from having academic year long, full-time placements and can make a more meaningful contribution to the work at their placements than if there were there on a part-time or short term basis. While there are two denominated programmes for clinical students, they are very much treated as one cohort and this has proven successful.

Although the academic year long, full-time placement model that the School of Law has embraced probably allows for the most extensive exposure to “law in action” of any existing clinical programmes in Ireland, some practical issues have arisen. During the economic downturn, it was more difficult to obtain full-time placements for students. The fact that Dublin is the hub of Ireland’s legal community – well outside UCC’s traditional catchment area – poses myriad challenges, including cost of living for students, despite the strong support of School of Law alumni who are based there.

A significant percentage of the placements that students undertake are with large law firms. Some of these firms remunerate the students for their work and this can engender myriad issues. It may make certain placements more attractive, especially given the cost of living in Dublin. On the flip side, it can make others less attractive and could dissuade students with interests in non-commercial practice or in non-governmental organisations from pursuing placements for which they will not be paid.

Dr. Ó Conaill observes that involvement in clinical legal education is labour-intensive, time-consuming and definitely comes with some opportunity cost when it comes to fulfilling other aspects of one’s academic duties, in particular when it comes to research output. For example, relationships with placement partners and supervisors must be nurtured on an ongoing basis. The maintenance of these personal and professional relationships are absolutely vital to sustaining the clinical programme and to continuing to expand the range of placements available to students. Furthermore, while administrative and academic colleagues are interested and helpful to the extent possible, resources are finite and the responsibility for the orderly running of the clinical programme ultimately falls on the directors.

In future, Dr. Ó Conaill is interested in the potential for a sports law clinic in the School of Law, borrowing from what is done in some law schools in the US. He is also hopeful that, in time, all law students will have the opportunity to take a “real world” law module of some kind. Additionally, he believes that the “live client” model would present an incredible opportunity for students, but that there are myriad hurdles to overcome before this can happen in Ireland. He believes that the most feasible moves in this regard would be to ascertain areas where students can provide legal representation where solicitors are not now involved or required and to provide research support to litigators and to non-governmental organisations, similar to how the Child Law Clinic now operates at postgraduate level.

At national level, Dr. Ó Conaill believes that the Irish Clinical Legal Education Association (ICLEA) can be a powerful force for advancing the visibility and profile of clinical legal education in Ireland and that it should foster development of research in legal education, something of which there is little at present. Having a special issue of one of the Irish law journals dedicated to publishing papers from an ICLEA conference might be an ideal first step.



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In assessing the impact of clinical legal education in Ireland at this early stage, Dr. Ó Conaill admits that he initially underestimated how transformative a placement can be for students. The extent to which participants have developed in different ways as a result – from becoming more efficient in managing their time, to seeing how the law can play a role in bettering people’s lives – has been remarkable. Simply put, most students come out of a placement with “a better head on their shoulders.” Accordingly, and also because a number of placement supervisors have indicated to him that they have learned from the experience and benefit from student enthusiasm, he argues that lawyers should be awarded continuing professional development points for their work with the next generation of law graduates.

Lastly, Dr. Ó Conaill opines that, while the public interest is a key element of the clinical programme he co-directs and related placements have definitely “awakened” some of his past students, it is necessarily broader in its focus than that and has a strong commercial flavour, too.



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# School Of Law, Griffith College Dublin

## Facts and Figures

CLINICAL DIRECTOR: Dean David Langwallner.

WEBSITE: [www.innocenceproject.ie](http://www.innocenceproject.ie).

ACADEMIC YEAR FOUNDED: 2009/2010.

REQUIRED OR OPTIONAL: Optional.

ELIGIBLE STUDENTS: Second year and later students from Griffith College Dublin (GCD), Trinity College Dublin (TCD) and Dublin City University (DCU).

NUMBER OF STUDENTS: Approximately 21 students annually.

STRUCTURE: Ongoing independent work, twice monthly meetings of the Irish Innocence Project, twice monthly meetings with supervising lawyer.

MODULE TITLE AND ECTS: Irish Innocence Project (not currently within the curriculum, but it is planned to be by academic year 2015/2016).

ACADEMIC ENTRY: It is based on student interest and an application/interview to participate in the Irish Innocence Project.

SUPERVISOR SELECTION: (i.e., to what extent are supervisors involved in deciding which students are placed with them?) Cases are assigned to groups of students during meetings of the Irish Innocence Project.

ASSESSMENT: N/A.

REPRESENTATIVE PLACEMENTS: N/A.

## An Interview with Dean David Langwallner and Anne Driscoll (Irish Innocence Project Journalism Project Manager)

Griffith College Dublin houses the Irish Innocence Project, which is a part of the global Innocence Network. The Innocence Network is an affiliation of organisations dedicated to providing pro bono legal and investigative services to individuals seeking to prove innocence of crimes for which they have been convicted, and working to redress the causes of wrongful convictions. The Irish Innocence Project endeavours to fulfil this mission in Ireland with the assistance of law students, legal academics and practising solicitors and barristers. All cases which the project takes on must satisfy a rigorous set of criteria and present a very real possibility that there has been a significant miscarriage of justice.

Since the inception of the Irish Innocence Project, which is centred around the premise that there needs to be better integration between legal academia and the practice of law, Dean Langwallner and Ms. Driscoll identify a correlation between participation and improvement in student academic performance; believe that students have grown and developed emotionally as a result of their involvement, and in particular, have



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a greater capacity for empathy; retain a connection to the people they come into contact with; and benefit greatly from the project's deliberate emphasis on the cross-germination of law and journalism. They assert that participation in the Project has been the most important for many in their time as third-level students and is "literally a game changer" for some.

The Project has had some impressive successes. One well-known example, which received extensive media coverage, is the recent posthumous pardon of Harry Gleeson, a man wrongfully convicted of murder in Tipperary and hung in 1941. It came about as a result of a detailed submission made to the Department of Justice by the Project in conjunction with the Justice for Harry Gleeson Group. The Attorney General then ordered an independent review by a senior counsel, who concluded that the conviction was not sufficiently supported by the evidence. The Project is also heavily involved in a case currently on appeal to the Supreme Court of Greece and is working on the issue of post-conviction preservation, access and testing of DNA in Ireland.

These early successes have attracted strong support from Griffith College Dublin, which has funded Ms. Driscoll's position. The Irish Innocence Project has also received some philanthropic funding and continues to seek additional resources..

Dean Langwallner cites the scepticism and, in some instances, opposition from An Garda Síochána as a startling and discouraging impediment to the progress of the Project. As in other jurisdictions, the Irish Innocence Project has experienced some resistance from vested interests to its work. Dean Langwallner argues that the Project should be a catalyst for improving the education and training of law enforcement officials in Ireland where deficiencies are shown to exist.

Dean Langwallner and Ms. Driscoll also highlight that what they can accomplish is limited by the lack of resources available to the Irish Innocence Project as compared with other projects in the global Innocence Network. For instance, many projects have one or more in-house lawyer(s) working with the students on a full-time basis. On a related note, they point out that the volunteer solicitors and barristers with whom their students work have a range of other commitments and that the extent of the time they can devote to these cases is determined by how busy they find themselves at the time. Furthermore, even though many students stay involved with the work of the Project for some time, students do "come and go." Dean Langwallner observes that this is the "nature of the beast", but nonetheless admits that this can be disruptive and detrimental to the continuity of the Project's ongoing casework. Lastly, he notes that the demands of being a full-time academic and head of the law school are the same, despite the fact that the effort he puts into the Project is incredibly time-consuming, can be emotionally draining and is "significantly more important than writing articles that few will read."

In future, Dean Langwallner hopes that the Irish Innocence Project can hire a full-time solicitor and get more students from law schools around Ireland, as well as more solicitors and barristers, to examine and pursue what he believes to be a significant number of past and present miscarriages of justice in Ireland. Just as importantly, he believes that the Project can play an important role – at least in part by working in concert with investigative journalists, Ms. Driscoll's area of expertise and a core element of this clinical legal education programme – in heightening public consciousness of the flaws in the criminal justice system.

Dean Langwallner stresses that the unique capacity of the Irish Innocence Project "to show that, to a large extent, the criminal justice system is broken and that there is a means to fix it" is one way to advance the public interest, writ large. But its work also serves the public interest by having "a potentially transformative impact on the lives of people who are at a very low point" and by fostering "a sense of civic duty and a human rights consciousness in an ethical cadre of lawyers for the future – regardless of what types of careers they eventually choose to pursue."

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# School Of Law, Trinity College Dublin

## Facts and Figures

CLINICAL DIRECTOR: Dr. David Fennelly

WEBSITE: <https://www.tcd.ie/Law/>

ACADEMIC YEAR FOUNDED: 2013-2014

REQUIRED OR OPTIONAL: Optional

ELIGIBLE STUDENTS: Final year undergraduate LL.B. students

NUMBER OF STUDENTS: 2013-2014: 20 (capped); 2014-2015: 25 (capped)

STRUCTURE: Placement. In 2013-2014, the placements were undertaken on a one full day a week basis for ten consecutive weeks during the academic term. In 2014-2015, the placements were undertaken for three consecutive weeks in early September – prior to the start of the first teaching term of the academic year at the university.

MODULE TITLE AND ECTS: Clinical Legal Education/10 ECTS

ACADEMIC ENTRY: In case of oversubscription from rising third year students, random selection applies to the allocation of places on the course.

SUPERVISOR SELECTION: (i.e., to what extent are supervisors involved in deciding which students are placed with them?) The School liaises with partner organisations in relation to the selection of students, with some placement supervisors taking a more hands-on role in the selection process than others.

ASSESSMENT: Students are assessed on a Pass/Fail basis. The assessment is based upon the following elements: satisfactory completion of the placement; attendance at lawyering class; establishing and reviewing learning goals; a reflective learning journal which must be updated regularly during the placement; written assignments with a practical focus; and presentations to the class of clinical students in which they share their experiences while on placement.

REPRESENTATIVE PLACEMENTS: A& L Goodbody, Arthur Cox, Ballymun Community Law Centre, Central Bank of Ireland, Community Law and Mediation, Dublin City Council Law Department, Environmental Protection Agency, Financial Services Ombudsman, FLAC/PILA, Immigrant Council of Ireland Independent Law Centre, Irish Refugee Council Independent Law Centre, Irish Traveller Movement Law Centre, KOD/Lyons, Legal Aid Board, Maples and Calder, Matheson, McCann Fitzgerald, MacGuill & Company, Mason, Hayes & Curran, Mercy Law Resource Centre, Office of the Attorney General, Office of the Parliamentary Legal Adviser, Houses of the Oireachtas, Director of Public Prosecutions, Sheehan and Partners.



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## An Interview with Dr. David Fennelly

The School of Law at Trinity College Dublin has for some years placed an emphasis on skills training, culminating in the foundation of its clinical legal education programme in 2013. Moreover, most notably through the academic and other work of Prof. Gerry Whyte, the School of Law has long taught public interest law and had a focus on the use of law to promote social justice.

Dr. David Fennelly, the clinical legal education coordinator, believes that the recently introduced clinical programme has been a success to date and that it has been very well-received by academic colleagues, placement supervisors and students alike, as reflected in its modest expansion of student participants from 20 to 25 from year one to year two with a further modest expansion in year three. With approximately 150 final year undergraduate students, one of every five graduates now takes the module.

David notes that even more students would like to avail of the clinical module. For this reason, where demand exceeds supply (as has been the case so far), the Law School uses random selection to allocate places on the module. The School considers this to be a fairer approach than admission on the basis of academic performance, ensuring all students have equal access to the placement opportunities. Indeed, it is often students who do not have the best grades who gain most from the placement experience. One of the most rewarding experiences for David has been seeing students who have been “drifting” in their studies re-engage with the law, both on placement and in their academic studies once they return to the School for final year.

Feedback from his students about their placements has been overwhelmingly positive. And while it is too early to tell the extent to which their placement will shape their career direction, David observes that many students are energised about the law in an entirely new way; that their minds are opened to many possibilities they hadn't previously envisaged; and that a number of students continue to work with and remain in contact with their placement supervisors. Many students have described the placement as one of the highlights of their learning experience in the Law School. David makes these observations based on the seminars of clinical students he facilitates. Furthermore, the feedback from partner organisations has been positive, with a number of placement supervisors reporting that the partner organisations have benefitted from the students' enthusiasm, fresh thinking and vigour.

Because the module differs in character from most of the modules offered in the law curriculum, there have been some challenges. For example, the method of assessment was the subject of consideration and debate within the Law School, which ultimately decided that pass/fail assessment was the fairest method of assessing students in light of the very broad range of students' placement experiences. An important early learning was that placement supervisors, as well as students, strongly preferred that the placements take place over a block of time, i.e. full-time over a number of weeks, rather than one day a week during term.

Establishing and organising placements – and building the relationships which underpin them – has been enjoyable and a really valuable opportunity for the Law School to interact with the legal profession and community. However, it is also more time-consuming and labour-intensive than running a traditional academic module. One practical issue which has arisen has been the process of matching students with partner organisations. Different organisations may have different expectations and requirements in this regard and it can be challenging to accommodate both student and organisation preferences. David has endeavoured to align student interests and preferences to those of partner organisations. While this has worked well on the whole, it is not always possible and the programme works best when students and partner organisations keep an open mind.

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In an overarching sense, David has seen a tension between ambitions for clinical legal education and the realities of working in a university setting in Ireland in 2015. For this reason, although one might wish to replicate the successes of programmes in the United States and United Kingdom, clinical programmes by their nature are extremely resource-intensive and have emerged in Ireland at a time when third level institutions are already under significant strain in their resources.

As for the future of clinical legal education at Trinity College Dublin, David would like to continue to develop the core final year placement module. He would also like to explore the possibility of establishing a “soft” form of live clinic, in which students, working under academic supervision and in collaboration with partner organisations, could engage in research in support of initiatives in the fields of human rights and equality. The success of the Child Law Clinic at UCC and similar programmes in continental Europe provide valuable models in this regard.

With respect to actual live client clinics – such as those in the US – he believes that complicated resource, regulatory and practical issues limit the potential for their development in Ireland at present. The continued division between the academic and vocational stages of legal education in Ireland is also an important consideration. Yet, with the enactment of Legal Services Regulation Bill on the horizon, it remains possible that the context in which legal education is provided may change in the coming years and that space may open up for the development of live client clinics within a university setting in Ireland.

David is a firm believer that the Irish Clinical Legal Education Association (ICLEA) should be the focal point of activity for those working to develop clinical legal education further in Ireland. Above all, he thinks that clinicians here should be working collaboratively, not competitively, especially because resources are scarce and things remain at an early stage of development. Under the rubric of ICLEA, David hopes that those involved in clinics will continue to get together and share resources and experiences regularly, to bring in those with experience in jurisdictions where clinic is more advanced and to engage at European and international levels (for example, through the European Network on Clinical Legal Education).

Finally, with respect to the relationship between the clinical programme at Trinity College Dublin and the public interest, David notes that the promotion of the public interest plays an important role and that the clinical legal education programme – in particular, through its relationship with many non-profit organisations, including the independent law centres based in Dublin – represents an important part of the Law School’s civic engagement. However, the placements are not restricted to public interest settings and, indeed, in order to ensure sustainability, he believes that it is important to have a wide array of placement opportunities across settings. After all, lawyers in all of these settings – whether in private practice, or in the public sector or in the not-for-profit sector – can play an important role in advancing or promoting the public interest. Regardless of the student’s placement setting, through the lawyering class, in which students share experiences and reflect on the role of the lawyer, students emerge from the module with a greater awareness of the public role and responsibility of the lawyer.

While opportunities for students to directly advance the public interest during these short term placements may be rare, David believes that modules of this kind can play a vital role in moulding students’ sense of professional identity and responsibility, which is an important dimension of the mission of the law school in Trinity College Dublin.



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# School Of Law,

# National University Of Ireland, Galway

## Facts and Figures

CLINICAL DIRECTOR: Mr. Larry Donnelly

WEBSITE: <http://www.nuigalway.ie/law/>

ACADEMIC YEAR FOUNDED: 2006/2007

REQUIRED OR OPTIONAL: Optional

ELIGIBLE STUDENTS: Final year students on the Bachelor of Civil Law degree programme. From academic year 2015/2016, final year students on the LL.B. degree programme will also be eligible to take the clinical module.

NUMBER OF STUDENTS PER YEAR: 2006/2007: 15; 2007/2008: 17; 2008/2009: 23; 2009/2010: 22; 2010/2011: 24; 2011/2012: 23; 2012/2013: 13; 2013/2014: 29; 2014/2015: 28

STRUCTURE: The one semester, 5 ECTS clinical module takes place annually in the second semester and runs for ten weeks with interactive seminars in week one and in the final week. Students are expected to spend between 80 and 100 hours working on the placement.

MODULE TITLE: Clinical Placement

ACADEMIC ENTRY: Final year Bachelor of Civil Law degree students are eligible to apply to take the Clinical Placement module. Following an introductory session outlining the nature of the module, the application process mandates submission of a detailed CV and comprehensive covering letter. Students must also attend at an interview with the clinical director. From academic year 2015/2016 when the clinical module will be made available to final year LL.B. students, applicants will be required to have an overall second class honours: grade one average.

SUPERVISOR SELECTION: (i.e., to what extent are supervisors involved in deciding which students are placed with them?) Most law students are placed on the recommendation of the clinical director. Some placement supervisors ask to see CVs from a range of students who have expressed interest in working with them and choose which student(s) they would like to take on.

ASSESSMENT: The placements are assessed on a numerical basis, just as other modules. Assessments are based on a reflective essay, supervisor evaluation, attendance and participation at opening and closing seminars and any work-product students complete while on placement and wish to submit (with redactions as necessary).

REPRESENTATIVE PLACEMENTS: Law firms of various sizes based throughout the west of Ireland and elsewhere, independent and community law centres, barristers, government bodies, non-governmental organisations.

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## Reflections of Mr. Larry Donnelly

The School of Law at the National University is very proud both of its long tradition of teaching practical legal skills and of being one of the first Irish law schools to embrace clinical legal education. Legal research and writing to first year students as a stand alone module decades for decades – originally through its United States visiting fellow programme – and has had a designated academic post in clinical legal education since 2004.

The clinical legal education programme, through its core Clinical Placement module, has achieved national and international recognition and was a finalist for the MacJannet Prize, which recognises exceptional student community engagement initiatives at universities around the world, in 2009. The nearly 200 students who've been through the programme have commented on the way it “makes the things we learn in the lecture theatre come to life,” often note that “it was the best, and most unique, element of their learning experience during their degree” and communicate back to academic staff that, at interviews for traineeships and other employment, “my placement was the only thing they wanted to talk about.” The clinical module takes place in the final semester of the final year, rendering it difficult to measure the impact on students, but the change they attest to themselves and the newfound confidence they almost unanimously share is telling.

The School of Law has built now long standing, mutually beneficial relationships with placement partners not only in its west of Ireland catchment area, but also in Dublin. It has proven an excellent way of engaging university alumni and, indeed, a majority of placement supervisors are graduates of the School of Law.

Over the nine years the clinical module has been running, however, some challenges have arisen. The clinical programme took a tremendous amount of time and energy to build and an equal amount of both to maintain. Overcoming the myriad questions precipitated by a clinical module around insurance, its non-traditional nature and its fit within the curriculum was burdensome at the start. Recruiting law firms, barristers, non-governmental organisations and others, even with the hugely helpful willingness of colleagues to lobby their contacts, to take on students was no easy feat. Moreover, the annual process of speaking to students, reviewing applications and conducting interviews consumes much of the months of November and December prior to the start of placements in January. Lastly, the need to nurture relationships on an ongoing basis with placement partners is absolutely vital, as is looking to create new opportunities for students desiring a clinical experience. Again, doing so takes time.

As other clinicians have noted, this does have a negative impact on other duties incumbent upon all academic staff and on research in particular. It necessitates trying to work more efficiently and, notwithstanding a strong interest in other areas, it probably means that research should be closely tied to and flow from the clinical work. Furthermore, pressure to produce research in order to advance an academic career can have deleterious effects on the clinic. First, it has resulted in students perhaps not always having optimal placements or appropriate mentoring during the placement. Second, when energies can't be ideally devoted to clinical work, it can stifle endeavours to expand and enhance clinical offerings for students in an era of extraordinary change to legal education and to law practice. Clinical programmes should not be static or allowed to grow “stale.” Taken together, in the long term, these challenges warrant recalibration of hiring and promotion for staff involved in clinics, as well as additional clinical staff and administrative support.

The fledgling Irish Clinical Legal Education Association (ICLEA) has a definite role to play in addressing the existing challenges facing all involved in clinical legal education in this jurisdiction. It is crucial that ICLEA be a platform for collaboration; given that clinical legal education here is at an incipient stage, clinicians need to work in concert to the fullest extent possible, not in competition. ICLEA also should be a body dedicated to pursuing more resources for clinical endeavours at national and international levels and from public and private funders. Without additional resources, the “live client” model will be only an aspiration. Lastly, ICLEA should be a forum for promoting the best means of attaining broader acceptance of and building support for clinical legal education in the Irish legal academy: high quality research on the pedagogy of law teaching in and outside of



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clinic. There is a large and rapidly growing body of scholarship in this field, yet the contribution of Irish legal academics to date has been scant.

In the School of Law, short term goals for the clinical programme, in addition to moving toward “live client” in the longer term, include expanding the number, type, duration and geographic scope of the placements. For instance, many staff members in the School of Law have extensive international contacts and there may be potential to offer a law degree that includes a year of placement working in other jurisdiction for non-governmental organisations, judges, elected officials, etc. And with the Clinical Placement module now being available to final year LL.B. students – final year Bachelor of Corporate Law degree students will also be eligible in the coming years – specific efforts to target placements and partnerships between the School of Law and businesses and industries growing in the west of Ireland, such as medical device companies and “start up” ventures, are already underway.

The clinical legal education programme in the School of Law has always put the promotion of the public interest and advancement of the cause of social justice to the fore. This is in keeping with the orientation of the academic staff and with the greatest successes of clinical legal education around the world. This will remain the case, although there are presently other clinical opportunities for students and it is hoped that these will increase with new cohorts of students being eligible to avail of the clinical experience in final year. The debate has long raged as to whether clinical legal education is either an innovative pedagogical tool for enhancing practical skill development or a high-minded means of imbuing students with a stronger sense of purpose and a wider cognisance of the law and social ills it might ameliorate. The School of Law is committed to the principle that, at its best, it is both.



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# School Of Law, University Of Limerick

## Facts and Figures

CLINICAL DIRECTOR: Ms. Jennifer Schweppe

WEBSITE: <http://www.ul.ie/law/>

ACADEMIC YEAR FOUNDED: 1973/1974

REQUIRED OR OPTIONAL: All students on the “Law Plus” and Law and Accounting degree courses must undertake a 6-8 month full-time placement. All students on the “Law Plus” LL.B. degree must take a clinical module, Advanced Lawyering I and II, in their final year.

ELIGIBLE STUDENTS: See above.

NUMBER OF STUDENTS PER YEAR: Approximately 130 law students from the different law degree programmes complete the 6-8 month cooperative placement; between 60 and 80 students on the “Law Plus” LL.B. degree must complete the Advanced Lawyering I and II module.

STRUCTURE: The full-time placement runs from early January until mid-July every year. Advanced Lawyering, divided into two distinct modules, focuses on the theory and practice of alternative dispute resolution in the first semester and on a substantial group project of their own choosing in the second semester.

MODULE TITLES: Cooperative Placement and Advanced Lawyering I and II

ACADEMIC ENTRY: Standard CAO entry to the undergraduate law degree programmes. The 6-8 month cooperative placements are mandatory for all admitted law students and the Advanced Lawyering I and II modules are required for all “Law Plus” LL.B. students.

SUPERVISOR SELECTION: (i.e., to what extent are supervisors involved in deciding which students are placed with them?) All law students on placements are assigned an academic supervisor from the School of Law. The placement process is handled by a dedicated university cooperative placement office and often involves an interview with the prospective employer. Students working on the group project are supervised by a member of academic staff who volunteers to do so and who has an interest and/or expertise in the relevant area of law.

ASSESSMENT: The placements are assessed on a Pass/Fail basis. Students in the Advanced Lawyering I and II modules are assessed numerically on a combination of group work, presentations to fellow students or the wider community, essays and other exercises.

REPRESENTATIVE PLACEMENTS: Law firms of various sizes throughout the country, government bodies, non-governmental organisations, accounting firms, etc.



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## An Interview with Ms. Jennifer Schweppe

The School of Law at the University of Limerick celebrates its identity as being to the fore of clinical legal education in Ireland. Through its placement programme – known widely as the “co-op” – all of its graduates must have completed a full-time, six to eight month placement as part of their course of study. Co-op has been a feature at the university since its inception and is something often cited as a distinctive feature of the educational experience provided there.

Law students ordinarily are placed with law firms – and many of them are paid for their work – or with governmental bodies, although some undertake placements in the general area of public interest law. In addition, because the law degree offerings in the School of Law are multidisciplinary, some students work in different areas, e.g., accounting firms. These placements are facilitated centrally, through the co-op placement office, and students are assigned academic supervisors from the School of Law. The academic supervisor is required to visit the student and to conduct interviews with the student and with his/her supervisor at the placement. The placement partners make decisions themselves about which students they take on based on applications and/or interviews. The placement is assessed through a reflective co-op report drafted by the students, and by the academic and placement supervisors.

While Ms. Schweppe does express a desire for co-op to be more closely and demonstrably linked to the curriculum in the School of Law, she believes that the students are “without a doubt, tangibly different” after their co-op placement. They are clearly “more serious about what they’re doing and how they do it” and it “gets them to think about their privileged future role as lawyers.” The university’s core focus is on its “engaged learning” ideal and attributes its very high graduate employment rate to its strategy in pursuit of this ideal, with co-op at the heart of it. As such, Ms. Schweppe states that clinical legal education “doesn’t need to be explained” to university leadership and the “buy-in” is reinforced by the significant percentage of graduates who cite co-op as the “best part of their college experience.”

The other core component of clinical legal education in the School of Law is the Advanced Lawyering I and II modules. Ms. Schweppe first cites its unparalleled emphasis in the first semester on alternative dispute resolution (ADR), given the myriad, ongoing and coming changes to the practice of law in Ireland and internationally which will mean that courts will play much less of a role in determining the outcome of contentious disputes. Students get a “hands on” primer in the art of ADR and graduate with a capacity to negotiate – an invaluable skill for all lawyers. Simulated negotiations and mediation sessions take place, as well as moot court exercises. Students also compete in national competitions in these areas.

With respect to the second semester of the module, Ms. Schweppe notes that a wide range of complex issues have captured students’ attention and been the subject of group projects in the second semester. These include deaths in custody, succession rights, miscarriages of justice, employment rights and law and film. Under the direction of an academic who has proposed the project and often in partnership with external bodies – to date, these have included citizens’ information centres, the Department of Justice and civil society organisations – groups of 10-12 students perform substantial legal research and produce detailed reports on often hotly contested, complex issues. They have also made presentations of their findings to fellow students, representatives of non-governmental organisations, community groups in Limerick, legal practitioners and judges.

Ms. Schweppe observes that working in groups has been hugely beneficial. Presentations, she observes, typically provoke anxiety and require coaching by the academic supervisor, yet have invariably gone well. Ms. Schweppe opines that while supervising groups can be very time-consuming for the academic who volunteers to assume this duty, this is vastly outweighed by the facts that working with students on the project creates “a different dimension to teaching...facilitating an informal and engaging relationship with students” and that it is “easily the most enjoyable part of the job.”

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Ms. Schweppe also believes that academic involvement in expanding and enhancing clinical legal education should not be “hived off,” but should be shared among law school colleagues, and should be linked to the extent possible with each individual academic’s own research interests and agenda. This is how clinical initiatives have developed in the School of Law – in contrast to how it has developed in other Irish law schools. Ms. Schweppe acknowledges that the “all hands on deck” approach taken to clinical legal education efforts there very much shapes her own view, in contrast to what other Irish clinical directors assert, that clinical work with students has not and need not detract substantially from other academic duties.

As to the future direction of clinical legal education at the University of Limerick, Ms. Schweppe believes that the “live client” model is some way off. She believes that insurance, resources and the academic calendar are three key impediments to individual cases being run by supervised law students. She also poses two key questions: 1) Is it feasible and congruent with the role of Irish law schools to have a member of staff who has an active practising certificate and is primarily charged with running cases? and 2) What type of commitment can law schools reasonably make to their local communities, mindful of all the relevant considerations? She regards the service provided by students in the second semester of the Advanced Lawyering module who perform research that is useful and necessary for non-governmental organisations as a step in the right direction for the time being.

Speaking more broadly, Ms. Schweppe thinks that the Irish Clinical Legal Education Association (ICLEA) should play a more active role. She favours its holding more frequent meetings around the country; engaging actively with the heads of Irish law schools and the Irish Association of Law Teachers as a group; adopting a better defined structure; espousing a clearer sense of purpose; rotating leadership positions among academics engaged in clinical work; and helping to re-commence the Irish legal education symposium, which was formerly held every 18 months.

Lastly, while Ms. Schweppe resolutely endorses the principle that law schools should have public interest at the heart of their educational mission and that clinical legal education can be an ideal means of fulfilling that mission, she believes that academics need to be propitious in deploying students to assist non-governmental organisations in their legal and broader policy endeavours. She proffers that the “needs of non-governmental organisations – and not our pedagogical goals – must always come first when we organise placements/externships. These often will align, but we need to remember that while students can definitely assist, it is vital that the skill set of the student and the needs of the NGO be matched in order to ensure that the placement is mutually beneficial.” Ultimately, she concludes, “students can be a wonderful asset to law firms and organisations seeking to advance the public interest, but it is incumbent upon us as academics to exercise sound judgment when placing students and seeking to build mutually beneficial, sustainable and fruitful relationships with external bodies.”



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# Sutherland School Of Law, University College Dublin

## Facts and Figures

CLINICAL DIRECTOR: Dr. Liam Thornton

WEBSITE: <http://www.ucd.ie/law/>

ACADEMIC YEAR FOUNDED: 2012/2013

REQUIRED OR OPTIONAL: Optional.

ELIGIBLE STUDENTS: Third year students in the B.C.L., B.B.L. (Law and Business) and B.C.L. (Law with Options) degree courses.

NUMBER OF STUDENTS PER YEAR: 52 students have completed the clinical legal education module over the three years it has been offered.

STRUCTURE: The full-time placement runs during an eight week (summer) term and lasts at least four to six weeks from late May through early July. In addition, students are required to attend two full day workshops prior to commencing the placement, one half day workshop during the placement and a final, full day workshop and assessment session at the end of the placement.

MODULE TITLES: Legal Placement

ACADEMIC ENTRY: Students are required to hold a Second Class Honours: Grade One average at the close of the second year and to have successfully passed all second year modules.

SUPERVISOR SELECTION: (i.e., to what extent are supervisors involved in deciding which students are placed with them?) Following an informational meeting, students make an application, consisting of a cover letter, curriculum vitae and (in some cases) writing sample, for placements based on descriptions provided by placement partners. Placement partners then decide which students they will take on based on the application and/or a further interview with student applicants.

ASSESSMENT: Students are assessed via 1) continuous assessment: 20% (application, short presentation, participation in workshops); 2) placement completion: 20%; 3) post-placement presentation: 20%; and 4) 40%: (5,000 word reflective portfolio).

REPRESENTATIVE PLACEMENTS: Students are placed with law firms of various sizes specialising in a wide range of areas of law. There are also a number of placements in public interest law, including with independent and community law centres and organisations campaigning for law reform.

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## An Interview with Dr. Liam Thornton

The Sutherland School of Law at University College Dublin views clinical legal education as a means of strengthening students transferable and employment skills and providing an avenue for students to observe and participate in legal practice, to reflect on their experiences and to engage in activities that strengthen public interest law in Ireland. UCD School of Law values all forms of clinical legal education: mooting, negotiation, arbitration, alternative dispute resolution, client counselling, placement, public interest law and provision of student led research to key strategic partners.

The core element of clinical legal education in the School of Law, the Legal Placement module, is purposed to ensure that students will understand the main concepts, methods and functions of law as a social force within the placement setting; understand the contrasting roles of lawyers in professional settings; analyse the role of the legal placement to understanding law(s) in action; critically assess work and tasks undertaken in a reflective manner; critically reflect on issues and challenges in a placement setting; evaluate, analyse and synthesise academic and legal material in the development of arguments on key issues; act ethically and appropriately in a manner that serves the interests of the client and placement organisation; assume responsibilities at the micro and macro level in respect of clients and/or the placement organisation; develop an appreciation of the role of law in society and his/her contribution to society through effective clinical practice; act independently and manage time effectively; demonstrate inter-personal occupational skills and competence in teamwork and interpersonal communications; and develop organisational, managerial and strategic skills.

Dr. Thornton believes that the benefits of the Legal Placement module have been myriad. Students have been exposed to “real world” law in a variety of contexts and have been ideally situated to ascertain where their aptitudes and interests lie. Their placements have compelled them to consider the law and the role of lawyers in society. Some students who’ve completed placements state that their experience confirmed their pre-existing career objectives; others reconsider how they would like to use their law degrees. Dr. Thornton notes that “eyeopening” is a term repeatedly used by students when asked about their placements. Lastly, many students have referred to a new cognisance of the “versatility” of a law degree after having participated in the programme.

Dr. Thornton adds that the clinical programme has nicely supplemented the School of Law’s efforts to maintain strong relations with its alumni and has helped to keep graduates abreast of ongoing attempts to innovate and to provide the best possible educational experience for current law students. A number of graduates have been heavily involved in supervising these students. And some students from the Legal Placement module have been taken on for traineeships after graduation.

In considering the challenges that have been presented thus far, Dr. Thornton mentions one or two occasions on which the expectations of the School of Law and the placement partner have not comported. As such, he is strongly of the view that it is vital that there be clear channels of communication between law schools and placement partners at all times, especially because these relationships can be, and have been, so beneficial. It is, perhaps, natural that expectations won’t always coincide, given that the academy and the “outside world” have different goals and priorities, but they can nearly always be reconciled through open dialogue. The at times stifling rules and regulations university academics must work through, on the one hand, and the realities of swift personnel and associated changes, on the other, that inhere in private practice are two examples of dissonance between the two sides that can be difficult to navigate.



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As a clinical director, Dr. Thornton expends a good deal of time every year on setting up the placements. Even after three years of doing so, there is a significant amount of work involved in acquainting a new group of students every year and renewing relationships with “repeat partners.” He opines that this will probably always be a fact of life for directors of placement/externship based clinical legal education programmes. But in a context in which human and financial resources are scant and in which the “publish or perish” mindset is prevalent, he wonders about the long term feasibility of the current model and whether ambitious academics with an interest in clinical legal education will retain that focus or cultivate research interests?

When questioned, Dr. Thornton comments that the role of placement partners in selecting students has not been problematic and observes that it has actually worked well because of their long experience of hiring people who are the best fit for the roles they need filled. Moreover, the fact that some placements are paid has not dissuaded students from seeking and taking unpaid placements, just as some graduates elect to embark on career paths that will not pay as well as others. Money is only one of a number of factors in the decisions made by students.

In contemplating the future of clinical legal education in the School of Law, Dr. Thornton argues that, while the placement model operates quite well for law firms and interested students, a move toward specific, research-focused projects for organisations seeking law reform in the public interest might be a better model. This would provide the maximum “value added” for non-governmental organisations, particularly if the students are aided and supervised by an academic with relevant expertise.

Dr. Thornton believes that “live clinics” are some way off for Irish law schools, and almost certainly will stay out of reach at undergraduate level, barring an imminent and considerable dedication of resources to clinical legal education. He is, however, more optimistic about the possibility of more “live client-like” initiatives taking hold at postgraduate level in the medium term. On the connected question of clinical programmes and the public interest, Dr. Thornton believes that the public interest is an important component of Irish clinical legal education, but that, for the time being anyway, it must be a “broad church” to obtain maximum buy-in from other legal academics, the third-level institutions of which law schools are a part and key stakeholders.

In closing, Dr. Thornton indicates that he is delighted with many recent developments and comments that clinical legal education in Ireland has come on in “leaps and bounds” in a very short period, yet thinks it is crucial that the key issues he raises be discussed and resolved so that informed next steps that can realistically advance the enterprise may be taken.



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# Professional Law Schools in Ireland

## Interview with Freda Grealy – Law Society of Ireland

<https://www.lawsociety.ie/>

Freda Grealy, the Head of the Diploma Centre at the Law Society of Ireland, where Irish solicitors receive their professional training, has a very strong interest in legal education generally and in clinical legal education specifically. She has undertaken considerable research and visited at a number of law schools in other jurisdictions to gain a deeper understanding of recent innovations in the pedagogy of law teaching.

“Street Law” is at the heart of the Law Society’s efforts to introduce clinical components to the training of putative solicitors. Each year, approximately 70 trainee solicitors who’ve just commenced the Professional Practise Course I attend a weekend long workshop run by Professor Richard Roe of Georgetown University Law Center. Professor Roe is widely known as the founder of “Street Law.” Ms. Grealy comments that “this weekend is a very different type of experience for the wide range of students pursuing a professional qualification and provides further practical skills and a better understanding of the impact they can have through the law.” The challenge after the first successful “Street Law” workshop for her and her colleague John Lunney, with whom she works closely in the Law Society, became “how can the students use this training?”

Ms. Grealy and Mr. Lunney have promoted several initiatives since then. First, the trainee solicitors who’ve completed the workshop have conducted “Street Law” training sessions in disadvantaged Dublin schools on issues relevant to young people, such as cyber-bullying. This has been done in conjunction with Future Voices Ireland, a non-governmental organisation that works with young people from marginalised backgrounds. Second, some of the trainees have given training sessions to juvenile offenders in Wheatfield Prison. They complete journals reflecting on their experience of delivering on “Street Law” and considering the difference their efforts might make for young people at risk. A final project has been to hold mock trials involving young people with trainee solicitors involved as coaches and advisers.

The emergence of “Street Law” at Blackhall Place – as the law school at the Law Society is commonly referred to – comes in the context of a greater emphasis on practical skill development and “hands on” legal education under the leadership of Director of Education, TP Kennedy. There is also a heightened focus on the professional and ethical obligations of lawyers.

As Ms. Grealy notes in closing, a programme of apprenticeship is still “the best way” of teaching students about the realities of law practice, but much is dependent upon “the structure of the apprenticeship.” As such, Ms. Grealy continues, “Blackhall Place is ideally situated to inculcate professional identity and to continually pose a bigger question to its students who will have a position of significant responsibility in future: Where are they as people, in addition to as lawyers?”



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## Interview with Mary Faulkner – Honourable Society of King’s Inns

<https://www.kingsinns.ie/>

Mary Faulkner has been the Dean of the School of Law at the Honourable Society of King’s Inns since 2010. It is Ireland’s oldest law school, having been established in 1541 during the reign of Henry VIII.

The primary focus of King’s Inns is the training of student barristers. This is achieved through the professional course which leads to the degree of Barrister-at-Law. The degree course provides a course of education and training, full-time and part-time, that enables law graduates (including graduates from the King’s Inns Diploma in Legal Studies) to be admitted to the degree of Barrister-at-Law and to be called to the Bar of Ireland. For those who do not hold a law degree but who wish to become barristers, King’s Inns runs a two year, part-time Diploma in Legal Studies involving the study of substantive law.

Since 2010, King’s Inns has been reaching out to a wider community of lawyers and non-lawyers alike in its provision of a range of executive programmes in continuing professional education in areas of employment law, immigration and asylum, juvenile justice, public procurement, corporate crime, legislative drafting and lawyer-linguist.

In respect of the Barrister-at-Law course, she notes that the educational experience of students in the professional course in 2015 is dramatically different to that of their predecessors. They are now taught exclusively in small groups and by practitioner tutors with at least 7-8 years of experience. In fact, their teaching typically mirrors practice at the bar. The professional course comprises an intensive, practical and interactive course which seeks to bridge the gap between the academic study of law and the practice of law. As Ms Faulkner describes it, the degree is about “building a bridge between substantive law and procedure.” Accordingly, the way students are assessed has changed considerably and they are evaluated to a far greater extent by means of practical assignments and performance, unlike in the past.

Students are taught how to run cases from an initial summons through trial. This teaching is necessarily skills-based and students gain substantial practice of advocacy, negotiation and drafting amongst the other skills necessary for practice as a barrister. Students have numerous opportunities to practice and receive feedback on the skills which they are taught in class. They also have the opportunity to test these skills as they conduct mock trials before senior judges in both criminal and civil law contexts. Additionally, students take part in a clinical programme requiring them to visit various courts and to complete written exercises and reports which are subsequently discussed in class.

Mooting and debating are important extra-curricular activities and workshops run by practising barristers are held to support those students who participate. Students participate in considerable numbers in national and international moot court and negotiation competitions.

Ms. Faulkner does identify one key shortcoming in some of the students coming from undergraduate programmes over the years, and that is in legal writing. It is her belief that, in both the traditional and clinical components of legal education at third level, more time needs to be spent on working with students to improve the way they communicate in writing, given that it is such a crucial skill for law practice. She further believes that students at undergraduate level should have more opportunities to hone their oral presentation skills.

In sum, both Ms. Grealy and Ms. Faulkner generally welcome the introduction and growth of clinical legal education at third level law schools in Ireland. They believe that, despite historical differentiation, drawing too clear a distinction between “law in theory” and “law in practice” doesn’t serve the objectives of legal education well. Law graduates with a solid foundation in both theory and practice are best equipped to become successful solicitors and barristers.

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# At a Glance: More Clinical Legal Education Initiatives in Ireland

## Department of Law & Humanities, Letterkenny Institute of Technology

WEBSITE: <http://www.lyit.ie/courses/lawhumanities/>

There are several members of academic staff in the Department of Law & Humanities with a strong teaching and research interest in clinical legal education. And from the beginning of students' law degree studies, they take practical modules, such as Learning and Communication Skills in Law and Alternative Dispute Resolution. There is also a free legal advice centre run by students with the assistance of local practitioners and academic staff.

Different strands of the burgeoning clinical legal education programme include a Workplace Learning (i.e., clinical placement) elective module that is available to final year LL.B./B.A. (Hons.) students; a Law in Action elective module also available to final year LL.B./B.A. (Hons.) students; and a Law Reform Project module available to final year B.A. (Criminal Justice) students. Given the increase in the number of law students at Letterkenny Institute of Technology and the demonstrated interests and resultant activity of academic staff, it is likely that the clinical legal education programme will expand and evolve rapidly.

## Department of Law, Maynooth University

WEBSITE: <https://www.maynoothuniversity.ie/law>

While the Department of Law doesn't have a denominated clinical legal education programme as such, it does emphasise the practical element of legal education. Many of its undergraduate students take part in moot court and alternative dispute resolution competitions – within the curriculum and as an extracurricular activity – and simulations are also used to teach traditional modules.

A small number of students pursuing LL.B. and B.C.L. (Law & Business or Law & Accounting) degrees also undertake one year, full-time internships with law firms as part of their courses. Additionally, a new LL.B. (Clinical) course offering now appears on the academic calendar and incorporates the one year, full-time internships. At postgraduate level, students in a new LL.M. (International Justice) will have the opportunity to go on placements with partner civil society organisations. Also at postgraduate level, students are taught relevant business law subjects by large law firm practitioners who share their insights on "law and action" in the classroom.

## School of Law and Government, Dublin City University

WEBSITE: [https://www.dcu.ie/law\\_and\\_government/index.shtml](https://www.dcu.ie/law_and_government/index.shtml)

Students in the B.C.L. (Law and Society) degree programme, which endeavours to instil in students not only a thorough understanding of the law, but also of the range of social forces which influence how legal rules are developed, enacted and applied, have an opportunity to undertake clinical placements in their final year. The work the students complete and the issues they are exposed to while on placements are typically connected closely to the overall objective of their course.



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# School Of Law, Ulster University

## Facts and Figures

CLINICAL DIRECTORS: Dr. Esther McGuinness, Dr. Gráinne McKeever Mr. Ciaran White

WEBSITE: <http://www.ulster.ac.uk/lawclinic/>

ACADEMIC YEAR FOUNDED: 2012/2013.

REQUIRED OR OPTIONAL: Required as part of a specific LL.M. Clinical Legal Education.

ELIGIBLE STUDENTS: Students accepted on the LL.M. Clinical Legal Education.

NUMBER OF STUDENTS PER YEAR: 2012/2013: 10; 2013/2014: 10; 2014/2015: 8.

STRUCTURE: In the first semester, students take a variety of modules relevant to the work of the clinic (e.g., social security law, employment law, alternative dispute resolution, tribunal representation, etc.). In the second semester, students are allocated cases taken by the clinic and advise and represent clients under academic staff supervision. The students also work on cases taken by the Legal Support Project of the Law Centre of Northern Ireland. In addition, they also take modules in research methods and in public interest litigation, alongside their dissertation.

DEGREE TITLE: LL.M. Clinical Legal Education.

ACADEMIC ENTRY: The programme is open to holders of at least a second class undergraduate law degree, or equivalent qualification. In exceptional cases, candidates with substantial practical experience of advice provision and the legal system generally may be admitted.

SUPERVISOR SELECTION: (i.e., to what extent are supervisors involved in deciding which students are placed with them?) N/A

ASSESSMENT: In this LL.M. degree, students are assessed by a combination of course work (especially) and examinations in their in-class modules. They must complete a dissertation in the second semester, which is normally based on an issue(s) emanating from their work in the clinic or which will advance the policy advocacy of a non-governmental organisation. And with respect to their clinical work, students are evaluated based on the reflective journals they must maintain and two case notes which evaluate the legal complexities within individual cases they have handled and analyse the practical and theoretical implications of the legal issues. All of these elements are combined to determine the students' performance in the LL.M. Clinical Legal Education.

REPRESENTATIVE PLACEMENTS: N/A

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## **An Interview with Dr. Esther McGuinness, Dr. Gráinne McKeever and Mr. Ciaran White**

The LL.M. Clinical Legal Education in the School of Law at Ulster University is the only “live client” clinical programme currently in existence on the island of Ireland. The focus of the clinical programme is on the public interest and the Ulster University Law Clinic solely takes on cases in the areas of social security benefits and employment law. Crucially, there is no provision of legal aid in either social security or employment cases. Moreover, the employment law cases handled by the clinic are typically too hard to win, too complex and/or not worth enough money for private solicitors to be interested in taking on.

During the second semester of the degree, students, under close supervision, ordinarily start with 1) two social security cases taken by the Legal Support Project of the Law Centre of Northern Ireland and 2) a social security appeal and one employment law case taken by the Ulster University Law Clinic. The students are usually exposed to between four and seven cases while doing the LL.M. degree, but not all run from commencement to close due to obvious time limitations. Clients seeking the services of the clinic must sign a declaration of need to the effect that they lack the financial means to obtain private legal representation, or have no insurance policy that makes provision for the type of legal advice offered, or cannot avail of trade union representation, or otherwise cannot retain private legal assistance. Students are often asked to consider why individual cases are worth taking and to confront the broader issues inherent in weighing the merits of this decision.

The three, in house clinical directors concur that the LL.M. Clinical Legal Education has helped to change the way students think about the law and legal system; that it has been an ideal, case-taking “legal laboratory,” which offers students a unique perspective on how the system operates and academics a springboard for research; and that the graduates are transformed by the experience and have expanded career opportunities as a result. They add that what had seemed like potential roadblocks (e.g., insurance, varying degrees of student competence, etc.) have not caused difficulty. Lastly, they hasten to say that the clinic is not defined by “big wins” for clients because whether or not they have achieved something for a client in invariably vexing circumstances doesn’t necessarily correlate with prevailing or losing when the matter is decided.

The directors stress that the Ulster University Law Clinic remains at an “embryonic stage” and note that they have been very cautious in working with students, who they spend a substantial amount of time mentoring and monitoring. When setting up the clinic, they acknowledge that they may have underestimated the amount of time and effort that would be expended on supervising students. This was due, at least in part, to it being impossible to predict the number and range of clients who would ultimately see the clinic’s assistance in the areas of social security and employment law. And on reflection, Mr. White argues that “supervise” is a “meaningless, bland word when considering how much is actually involved.” In fact, it doesn’t come close to capturing the extent of mentoring that the clinic directors provide on a daily basis to the LL.M. students. While there have been just a couple of problematic students, developing appropriate safeguards and nurturing mutually beneficial relationships with outside stakeholders have proven complicated and labour-intensive.

Furthermore, the directors note that there is “no such thing as a straightforward employment law case.” This is a reality, in particular, for law clinics, which invariably wind up taking some of the most difficult cases that arise. More straightforward cases are processed expeditiously through the system; more lucrative cases are taken by private practitioners. Although taking on difficult cases forms a vital part of the “rich tapestry of learning in the clinic,” it can be difficult to manage client expectations and convey that the amount of time the clinic can devote to their cases is finite. Finally, the directors recognise that there is an undeniable and significant opportunity cost for each of them stemming from their involvement in the foundation and maintenance of the clinic.

In measuring the impact of the LL.M. Clinical Legal Education to date, the directors cite the “new energy in the law school,” the “very local, very real” benefit to the community in which their law school is situated, the fact that it has re-energised colleagues somewhat alienated by a heavy emphasis on research, as well



as the increased visibility of the law school and the fulfilment of what they regard as its social justice mission. Moreover, the strong buy-in from virtually all “quadrants of the outside world” means that, thus far, there “have been no losers.”

In future, Drs. McGuinness and McKeever and Mr. White agree that their clinical roles need to be better and more appropriately defined. Specifically, while case work must continue, the clinic’s research agenda – both on the relevant substantive areas of law and on the inner workings of and philosophy behind clinical legal education – must be developed and furthered. This proposed adjustment or shift is attributable, at least in part, to the research excellence framework (REF) to which all university academics in the United Kingdom must adhere, but also to the supervisors’ own career objectives and interests. As such, the supervisors would hope for slow, sustainable growth in the number of students on the LL.M. degree programme, for expanding the clinic’s focus to one or two more areas (e.g., access to education) and for the eventual participation of undergraduate students – perhaps through the law school’s “Street Law” module or an undergraduate externship/placement scheme.

The directors unanimously and wholeheartedly extol the extent to which the clinic has benefitted from its association with the pre-existing Legal Support Project, which is based in the Law Centre of Northern Ireland and provides legal information and representation, primarily, in the same areas of law that the clinic specialises in. Dr. McKeever and Mr. White sit on the Advisory Board of the Legal Support Project and, as part of the LL.M. Clinical Legal Education their students assist with the cases and other advocacy it undertakes. This association has gone a long way to strengthening relations between the School of Law and local solicitors, who do not see the clinic in any way as a threat to their own practises.

As for the clinic and the public interest, Mr. White opines that “at micro-level, the School of Law at Ulster University tries to get its students to have ‘lightbulb moments’ when they identify systemic injustice – and there is probably no better way of producing ‘lightbulb moments’ than our clinic.” Drs. McGuinness and McKeever are moved by “the number of students who have done the LL.M. with a corporate mindset, but who are now also social justice advocates as a result of their experience of how the law applies to ‘real people.’” This is an awareness “that is vitally important for lawyers to have, but which they mightn’t otherwise be exposed to.” Insofar as the Ulster University Law Clinic instils this awareness, they believe it is “legal education in its broadest – and best – sense.”



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# Northumbria Law School, Northumbria University, Newcastle

## Facts and Figures

CLINICAL DIRECTOR: Ms. Carol Boothby, Director of the Student Law Office

WEBSITE: <https://www.northumbria.ac.uk/about-us/academic-departments/northumbria-law-school/>

ACADEMIC YEAR FOUNDED: mid-1980s

REQUIRED OR OPTIONAL: Working in the Student Law Office is required for all students studying for the M Law (Exempting) degree. This is a four year degree course and graduates are exempted from having to complete the Legal Practice Course in order to qualify as solicitors. Some other students opt to work in the Student Law Office and many more avail of other elements of clinical legal education in the law school.

ELIGIBLE STUDENTS: See above.

NUMBER OF STUDENTS PER YEAR: 2013/2014: 384. Approximately 350 students typically are involved in clinical legal education offerings every year. 176 fourth year M. Law students represented clients in actual cases in the Student Law Office “live client” clinic in academic year 2013/2014. 173 worked in the Student Law Office in academic year 2014/2015.

STRUCTURE: The core of the clinical legal education programme at Northumbria is known as the Student Law Office. All students who ultimately take part in the Student Law Office “live client” programme in their fourth year must prepare during their third year – by practising client interviews, enhancing their awareness of how the Student Law Office operates, etc. These fourth year students work on actual cases in small groups under the supervision of academic staff who are also practising lawyers. The “live client” programme runs for the duration of the academic year and represents nearly 40% of the fourth year curriculum. Northumbria Law School also has a “Street Law” programme, aimed at providing information to individuals and organisations about legal rights and responsibilities and involving students from postgraduate programmes.

PROGRAMME TITLES: Student Law Office, “Street Law”

ACADEMIC ENTRY: By standard application for entry to the three year LL.B. degree or four year M. Law degree.

SUPERVISOR SELECTION: (i.e., to what extent are supervisors involved in deciding which students are placed with them?) N/A

ASSESSMENT: Assessment is by means of a personal file, which is a portfolio of the work they have completed during the year, in addition to two reflective pieces, looking back at their own development during the year.

REPRESENTATIVE PLACEMENTS: N/A



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## **Interviews with Ms. Carol Boothby, Ms. Caroline Hood, Ms. Rebecca Parker, Ms. Victoria Murray, Ms. Sarah Morse, Ms. Claire Cowell, Mr. Chris Simmonds, Ms. Joanne Clough**

Northumbria Law School's Student Law Office is a hugely successful clinical legal education scheme whereby law students participate in a legal advice and representation scheme on behalf of clients as part of their educational and professional development. The service is run as a full legal service just like any other firm of solicitors. Practising solicitors closely supervise the students' work and have overall responsibility for ensuring that clients receive a professional service.<sup>1</sup> The Student Law Office received the Queen's Anniversary Prize – the highest form of national recognition for higher and further education open to a UK academic institution, and is given in recognition of work judged to be of outstanding excellence and with positive impact – and Northumbria Law School is often referred to as the leader in clinical legal education in the United Kingdom.

In academic year 2013/2014, under the supervision of 24 solicitors who are members of academic staff, the 176 students of the Student Law Office fielded 767 enquiries, ran or initiated 294 cases and recovered £131,766.70 for clients in the areas of employment, welfare benefits, planning, consumer, business and family law. Moreover, the Student Law Office acted in a number of criminal matters and undertook appeals on complex issues of criminal law.

The clinical legal education programme at Northumbria Law School is extremely well-developed and exceptional by any measure. Of course, it benefits greatly from the high fees paid by law students in England and the different structures relating to professional qualification there. Nonetheless, interviews with eight clinical staff there reveal many of similar issues as have already surfaced in Ireland. Simultaneously, and especially because of the differing perspectives these clinicians have on the work they do, useful insights on how to grow a clinical legal education programme from the ground up emerge from the interviews.

Northumbria clinical staff members were keen to point out that the M. Law (Exempting) degree incorporates clinical teaching and learning from the beginning – before the full “live client” fourth year. In year one, law students attend a court sitting and draft a report on it; in year two, they do an interview with a client and put together a research report on it; and in year three, they do more intensive research and compile a rough case file based on an interview with a client. The clinicians deem these progressively more responsible assignments as crucial preparation for the fourth year.

Similar to their Irish counterparts, staff at Northumbria stressed the labour intensive and time consuming nature of supervising students. They noted that this pressure on their own time and energies is magnified because they, as solicitors, are dealing with real cases and sometimes difficult clients and must be able to stand over their students' work. This can mean double and triple checking letters and other documents. In a context where there is a significantly increased emphasis in Northumbria Law School on research output, this can be quite burdensome – even though staff members repeatedly noted the extent to which they enjoyed working with students and found their interactions tremendously rewarding.

In the past, the staff of the Student Law Office have been promoted based almost exclusively on their clinical work, yet it seems unlikely that this will happen in future and an undeniable tension between clinic and research has emerged. To minimise the tension, the law school has formed a group which seeks to encourage research on clinical pedagogy and on the substantive legal issues emerging from the cases taken by the clinic. It has worked well thus far and helped to foster a stronger research culture among clinicians at Northumbria. As one clinician stated, “it only makes sense to link your research to your teaching and clinical teaching is fertile ground for really interesting and quite different legal scholarship.”

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1 See <https://www.northumbria.ac.uk/about-us/academic-departments/northumbria-law-school/study/student-law-office/> last accessed 18 June 2015.

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Staff interviewed unanimously cited the increased confidence of students completing the “live client” year as a standout. One stated that the fourth year clearly has “a transformative impact.” Individual clinicians also mentioned expanded and enhanced skill sets of students and referenced the very high graduate employment rate as proof positive of the benefits inuring to students from participation in the Student Law Office. Others claimed that the benefits to students were more intangible, and less readily identifiable, but perhaps even more important. And their perceptions have been backed up by feedback from local firms employing Northumbria Law School graduates.

Two additional matters – 1) the relationship between the Student Law Office and the local legal community and 2) the role of clinical legal education at Northumbria Law School in promoting a social justice/public interest cognisance in its students and more broadly – featured prominently in interviews.

On the first, staff were keen to make the point that the Student Law Office enjoys good relationships with all stakeholders in the local community, greater Newcastle. The law school has spent and continues to spend a considerable amount of time nurturing these relationships. Unlike as has been the experience of some “live client” clinics in continental Europe, local practitioners do not view the Student Law Office as a “threat.” One member of staff attributes this to 1) the law school’s well-established reputation as a “good citizen,” 2) the fact that the cases students are involved in are complex, difficult and usually not financially lucrative and 3) the benefits realised by local law firms of having a healthy pool of newly qualified solicitors with a variety of practical experience to select from when hiring.

Two staff members have assumed responsibilities which further cement the ties between the Student Law Office and the local community. One is charged with liaising regularly with a wide range of issue-oriented or geographically-based interest groups to “mine” potential cases and legal issues that might benefit from the advocacy of the Student Law Office. The second works closely with legal aid solicitors and engages students to support their casework, particularly in the area of social housing. Students get the benefit of working side by side with private practitioners and bringing the law school into the community is mutually beneficial.

As for the second matter, something that is to the fore whenever and wherever clinical legal education is debated and discussed, staff members expressed a range of divergent views. All agreed that promoting social justice and the public interest were important. Whether they should be the primary goals of the Student Law Office, however, was contested. On one side, the view was articulated that professionalism and professional identity is the most important thing that clinical programmes can instil in students. Furthermore, it was argued that the success of the Student Law Office is partly due to the reality that it is “relatively apolitical” and it should not lightly eschew this status, particularly because it can be advantageous for the individual clients it acts for. Lastly, one colleague noted that putting the public interest and social justice explicitly to the fore is at odds with how most students see themselves – their political perspectives are seldom well-formed – and what most graduates ultimately do – they seek the best jobs they can and consequently assume corporate identities.

On the other hand, some staff members argued strongly for public interest and social justice focused clinical legal education. One argued passionately that one of the best things about the Student Law Office is how it uniquely “shows that the legal need out there vastly surpasses the help that is available to satisfy it” and that “a commitment to social justice is, in fact, central to a lawyer’s sense of professionalism and professional identity.” And others challenged the notion that students and graduates are motivated alone by a desire first for practical experience and then for financially rewarding employment. Specifically in the areas of housing and welfare benefits, members of staff observe that previously sceptical students have remarked that “not everyone is out to screw the system” and gain a social consciousness and a special appreciation of the “serious systemic issues faced by the poor and those individuals and groups on the margins of society.”



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One member of staff outlined Northumbria Law School’s “Street Law” and standardised client initiatives. More than 30 students, in groups of three or four, delivered informative sessions to students and others on a range of topical legal issues under the “Street Law” programme. Students are provided with extensive training, some of which has been delivered by an outside law firm, and undertake in-house workshops before making presentations. And because the “Street Law” programme delivers legal information as to people’s duties, responsibilities and entitlements, not legal advice, insurance is not required. The standardised client exercise is required for all students in the second and third years of the M. Law (Exempting) degree. Outside individuals are trained to act as clients and then assess students on how well they performed in interviewing them on a set of hypothetical facts that may give rise to a legal dispute. It forces students to grapple with the myriad difficulties of a *sine qua non* of practising law at a very early stage. And as a consequence of using trained, standardised clients, it ensures consistency of experience for the students – something that definitely cannot be guaranteed by the “live client” model.

As the multiple national and international awards it has received confirm, the clinical legal education programme at Northumbria Law School is extraordinary and lies beyond the reach of Irish law schools at present for several reasons. A lack of financial resources and the dearth of qualified lawyers in Irish legal academia are among them. That said, Northumbria is an excellent example of how a clinical programme can transform the legal education experience for students and of the various ways law schools around the globe are innovating to better ready their students for working in a radically different environment than their predecessors did. In the short term, the final two elements of clinical legal education at Northumbria Law School described – “Street Law” and standardised client – are relatively cost and resource “light” and are well worth the consideration of academics in Irish law schools.



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# Interviews with Supervisors and Students

## Supervisors

**Gareth Noble** is a partner in KOD Lyons, a Dublin law firm specialising in criminal law, human rights, asylum and immigration law. Notably, Mr. Noble interned with the firm while he was a law student and still regards his exposure to what he calls “semi-clinical legal education” as hugely valuable. Back then, he was given significant responsibility and provided with advice and assistance when necessary. The firm has accepted, and he supervised, students from the clinical legal education programmes at the law schools of the National University of Ireland, Galway and Trinity College Dublin for the last several years.

Students placed at KOD Lyons typically get a great deal of court exposure. They also attend consultations with clients and conduct a considerable amount of legal research for the firm’s solicitors. Mr. Noble, above all, believes that “some things just cannot be taught” in a classroom; students can only come to understand them through practical experience. By way of example, he is highly complimentary of the students’ research skills, yet is simultaneously aware that interacting with clients is something entirely new to them.

Mr. Noble describes the impact of students on KOD Lyons as “extremely positive.” He claims that the students have added value and are, in no way, a hindrance or burden. He also believes that the firm wouldn’t function as well if it were not for the substantial assistance provided by the students, particularly on time-consuming research. Lastly, he now thinks KOD Lyons’ active involvement in clinical legal education programmes is a superior means of attracting talented future trainees than the standard application and interview process.

Reflecting on what he thinks could be improved upon, Mr. Noble suggests that he would like to have more interaction with the law school clinical directors generally, and would like to have core objectives more tangibly identified prior to the start of each placement. He also laments the fact that the timing of the academic terms and examination periods does not always lend itself to students “getting to see things through” and, in future, would like to be more involved in working with clinical directors on selecting students for placement with KOD Lyons.

Also in future, Mr. Noble would like to see longer placements and is of the view that attaining practical experience is important enough to warrant adjustment of the academic calendar for law students. If this were to happen, he is strongly of the view that both students and placement partners would achieve even greater benefit. He is also open to the possibility of a “live client” model, provided that there was no compromise of standards or integrity, that students worked under the supervision of solicitors and that other appropriate safeguards were implemented.

Mr. Noble thinks that clinical legal education inherently advances the public interest and that it can increase accessibility to the courts. He does note, however, that a clinical experience of the sometimes harsh realities of practicing criminal or human rights law could deter some idealistic students, but that it is important for them to be aware of “what it is really like” at an early stage in their careers.

In evaluating clinical legal education in Ireland to date, Mr. Noble concludes that “it is a great programme as it can create a passion for law. It is also beneficial for the experienced practitioners to see a young person displaying a passion for learning and law.”



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**Roslyn Palmer** is the Community Education and Volunteer Coordinator at Community Law & Mediation (CLM), Coolock, Dublin 17. CLM takes clinical placement students from University College Dublin (on an approximately one month, full-time basis in June), Trinity College Dublin (on an approximately three week, full-time basis in September) and the National University of Ireland, Galway (for 8-10 hours per week for ten weeks from approximately mid-January to the end of March). Ms. Palmer always interviews the selected students and believes this to be beneficial both for the students and for CLM.

Students ordinarily undertake legal research projects and discrete tasks, attend client consultations and sit in on regular advice clinics with solicitors. They also take responsibility for a limited amount of administrative duties and, timing permitting, get some exposure to court proceedings. She is careful to note that it is CLM's solicitors, not her, who allocate work to clinical students and that this involves building a relationship of trust.

Ms. Palmer believes strongly that placements are far better when students are based in the office, rather than remotely, for a variety of reasons. She also views full-time placements as superior to part-time placements and would regard a longer, full-time placement as offering optimal learning experience for students, yet recognises the constraints of the academic calendar.

Ms. Palmer agrees with a mandatory *pro bono* requirement, such as exists in the state of New York (i.e., all attorneys there must do 50 hours of *pro bono* work per year) and feels that this would be of benefit to “practitioners here and to our society.” And at the same time, she worries about perhaps waning interest in legal internships with a social justice dimension. She is also interested in the “live client” model of clinical legal education, but thinks it would “need to be perfected before it could be implemented.”

Ms. Palmer proffers that the clinical legal education programmes CLM has partnered with have had “a hugely beneficial and positive impact on the organisation.” Furthermore, she points out that there is “undoubtedly a public interest aspect to a placement with CLM. It exposes students to the realities of public interest/social justice law practice and will help them to identify early in their career as to whether or not it is for them. It also allows students to assess their interest in other ways of working with the law.”

**Deirdre Malone** is Executive Director of the Irish Penal Reform Trust (IPRT), a non-governmental organisation founded in 1994 which advocates for the reform of the Irish penal system with imprisonment as a last resort. As well as an internship programme open to all law students and the Law and Society: Research Clinic clinical module (discussed in the chapter of this report on clinical legal education in the School of Law, Dublin Institute of Technology), the IPRT has entered into an agreement between it, the Dublin Institute of Technology (DIT) and a Ph.D. student and annually takes on a clinical legal education student from the School of Law, University College Dublin.

With respect to the Ph.D. student, who is funded partly by the IPRT and partly by the Irish Research Council, Ms. Malone asserts that the organisation has gained tremendously from having a first-class researcher at its disposal. The student, in turn, completes a Ph.D. from a unique vantage point and has direct access to key policymakers to inform her research.

The UCD undergraduate law student focuses on policy, communications and research. Ms. Malone believes that the full-time placements allow students “to become immersed in the ethos and culture of the IPRT, to get a real feel for the work and to know staff members quickly.” She stresses that the students the IPRT has hosted on placements have been of the highest quality and commends their motivation and interest in the work of the IPRT. The students provide an extra research capacity that has been a major asset to the organisation and Ms. Malone would dearly like to provide the students with some remuneration if funding was available.

The students who seek placements with the IPRT already have an interest in the promoting the public interest and the cause of social justice, but Ms. Malone regards the placement experience as something that can “ignite their passion,” as evidenced by the recent creation of an IPRT “past interns discussion group,” which convenes regularly.

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**Kate Mulkerrins** is Head of Prosecution Policy & Research in the Office of the Director of Public Prosecutions (DPP). Her unit carries out two types of research – internal legal and policy research and projects in collaboration with outside agents – and employs four lawyers. She has accepted students from the law schools at the National University of Ireland, Galway (NUI Galway) for the past eight years running and, in the past, from Trinity College Dublin.

Ms. Mulkerrins indicates that she has built a strong relationship with the clinical director at NUI Galway over that time. As such, she is comfortable with his interviewing and selecting students annually for the placements – especially given that an internal interview process could add substantially to her workload and would likely be protracted. She also expresses a preference for part-time, rather than full-time, placements because of the other, myriad demands both on the staff of her unit and on the students.

She notes that students are well supervised and benefit significantly from their time at the DPP's office. They typically are heavily engaged in a variety of research projects, spend time drafting précis for legal journals and sit in on criminal trials. Equally, the office gains every year from the “fresh ideas” and “different outlook” that students bring with them. Indeed, a number of the students who initially came to the DPP on placements have subsequently completed remunerated internships during the summer. These internships allow students with a demonstrated interest and ability in criminal law to get excellent experience at a very early stage of their legal careers.

Ms. Mulkerrins believes that the placements could be improved through more structure; specifically, it would be ideal if placement partners and law schools could “get together to define clinical legal education and what is to be expected of the respective parties.”

In sum, Ms. Mulkerrins regards clinical legal education as something that “should be a core element of a law degree course” because “there is no substitution for practical experience.”

**Noeline Blackwell** is a solicitor and Director General of the Free Legal Advice Centres Ltd (FLAC), a non-governmental organisation whose aim is to promote access to justice for all. Ms. Blackwell is familiar with clinical legal education through the work of FLAC's project, the Public Interest Law Alliance (PILA), and understands that clinical legal education in Ireland is at an incipient stage when compared to jurisdictions where it is better developed, such as Australia and the United States.

FLAC has facilitated clinical legal education students from the law schools at University College Cork, Trinity College Dublin, University College Dublin, the University of Limerick and the National University of Ireland, Galway. FLAC has engaged students in a number of different ways, including on research projects and in responding to queries posed by callers to its free legal information telephone line. While she is complimentary of all the clinical programmes in Ireland thus far, Ms. Blackwell specifically commends the co-op programme at the University of Limerick.

Ms. Blackwell regards FLAC's experience as a clinical legal education partner as very positive and describes the students who have been placed there by a number of law schools as “excellent.” She adds that the benefit to FLAC of having a student placed with the organisation is clear: “it receives an additional person with a legal brain for very little outlay.”

Ms. Blackwell, however, feels that FLAC still hasn't “maximised” the potential gains from clinical legal education. She has a very high regard for what she believes is a committed, enthusiastic cadre of law students who have a tremendous amount to offer non-governmental organisations, particularly in bolstering their research capacity. Yet she thinks that stronger ties and clearer lines of communication with Irish law schools could most effectively help to channel these students' energies and abilities for mutual benefit. For example, Ms. Blackwell thinks that longer term, full-time placements are vastly preferable to part-time or short term placements, but recognises the difficulty of fitting such placements within a tight academic calendar. Dialogue between placement partners and law schools may overcome this difficulty.



Ms. Blackwell is also strongly in favour of the award of academic credit to clinical legal education students and is heartened that this happens in most clinical programmes in Ireland. She is also supportive of an initiative (first mooted by Prof. Gerry Whyte of the School of Law at Trinity College Dublin) to have more students undertaking research and writing essays as part of their course work on topics identified by non-governmental organisations as priority areas in need of additional research. With respect to establishing “live client” clinics, Ms. Blackwell thinks that areas of law where uncertainty persists and which are not dealt with comprehensively by other actors may be ideal for student clinics providing basic information to those affected about their rights and obligations. In this context, she is again mindful of the constraints of the academic calendar and the reality that, in order to be a valuable service, the clinics should operate all year round.

On the whole, Ms. Blackwell is excited by what’s happened so far in Irish clinical legal education and what might lie ahead in the future because “students have the capacity to change the world and these placements often ignite a passion for public interest law or social justice.”

## Students

**Conor Casey** is a final year law student at Trinity College Dublin who completed a clinical placement in the Office of the Attorney General in August and September of 2014. He describes his experience on placement as “thoroughly enjoyable” and feels that he learned a great deal that no law student can learn in a lecture theatre. For instance, he now understands the need for “a healthy balance between professionalism and friendliness in the workplace.” Moreover, he learned to gauge the approachability of colleagues when in need of advice or assistance and when the appropriate time is to seek the attention of a busy supervisor.

At the Office of the Attorney General, Conor was charged principally with preparing case summaries and briefs, commenting on policies, attending consultations and helping to revise statutory instruments. In executing these tasks, he gained an appreciation for the need to be succinct and “to get to the point quickly.” He also got first hand perspective on how the justice system is administered.

Conor regards the placement as a key component of his legal education and believes that there should be even more focus on the development of practical legal skills in undergraduate law degree courses. While recognising the constraints of the academic calendar, he would like the clinical placement to be longer, but does express a strong preference for the full-time placement model currently offered by the School of Law at Trinity College Dublin and praised the efforts of the clinical director who “clearly outlined the objectives of the placement.”

Above all, Conor stresses that his placement “was liberating. . . [he was] given responsibility, trusted with important tasks and believes that he thrived on it.” And his placement also has made him more alert to “the wide range of opportunities available to a person with a law degree.”

**Kirsten Nelson de Búrca** is a final year law student at Trinity College Dublin. She completed a placement in August and September of 2014 with MacGuill & Company Solicitors, an Irish-based international firm of solicitors specialising in civil and criminal law, including serious fraud, money laundering, terrorism, road traffic actions, human rights, civil and commercial litigation, victim representation and professional disciplinary bodies.

She feels that her placement was a “great match.” She greatly enjoyed the work, which involved research and fact checking, attending consultations and attending court proceedings. She notes that the firm’s personnel were very approachable and were always willing to provide her with guidance and feedback. At times, she felt like she was thrust in at “the deep end” and terms the significant responsibility she was given as “great for her confidence.” The fact that MacGuill and Company Solicitors is an international firm also deepened her interest in international law.

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Given that hers was a full-time placement, she found it challenging to balance the reflective diary and assignments she was required to complete with working from 9-6 every day. At the same time, she strongly favours the full-time placement model, yet wishes it was possible to complete the placement at a different time of year (she did her placement just before the commencement of the academic year). This is difficult in light of time constraints, however.

Kirsten confirms that the clinical placement strengthened her views on social justice and reinforced her belief that “unfortunately, social inequality persists.”

**Conor McCormick** graduated with an LL.M. in Clinical Legal Education from Ulster University in 2014. He is currently undertaking a ten month internship with the Law Society of Northern Ireland and is helping to prepare a response to a consultation on legal services delivery and legal aid in Northern Ireland being carried out by the Department of Justice there. Additionally, he will publish two articles on foot of his participation in the Ulster University Law Clinic.

In the first semester, he received training in a number of relevant areas of law and, in the second semester, he worked on three social security appeals and an employment appeal. While the hours he spent on the LL.M. increased substantially as his caseload expanded, he felt that the “supervision provided by the course supervisors was very good” and were “approachable and would provide students with assistance when required.” Supervisors filled out review sheets and added them to case files being handled by students. Management meetings were held every week to provide updates on the status of individual cases. These meetings also considered proposals for the development for the clinic.

Conor is hopeful that the clinic will expand to additional areas of law in future. Many queries came in from potential clients in areas the clinic doesn’t cover at present. He observes that “legal aid is unavailable for some of these areas, but that there is still a demand for legal advice.”

Conor, who now intends to pursue a Ph.D., opines that “the clinic contributes to access to justice in Northern Ireland” and that it “affirmed his view that not everyone can access justice.” He concludes that “social welfare legislation is complex and he cannot understand how people could possibly succeed in navigating the system without the benefit of legal advice.”

**Allison McAreevey** graduated with an LL.M. in Clinical Legal Education from Ulster University in 2014. She notes that the work undertaken by the Ulster University Law Clinic comports ideally with the work of the Legal Support Project, which is run by the Law Centre of Northern Ireland. She worked with both and describes them as “extremely positive experiences” and she is now finishing two articles for publication on clinical legal education and social justice. She wants to pursue a career in academia and remains involved in the Ulster University Law Clinic.

After being trained in social security law, employment law, alternative dispute resolution and tribunal representation in the first semester, she handled three employment tribunal appeals and three social security appeals in the second semester. Allison regarded the experience she obtained as “excellent” and highlighted the fact that one of the best elements of the LL.M. course is that it gives students “both the experience and the requisite course credit.” She states that “students were well supervised and the supervisors were very accommodating.” Moreover, the “supervisors invested considerable time in students and this resulted in students acquiring a sense of ownership of and responsibility for the work.”

Allison does note that there is a difficulty inherent in students undertaking to represent clients, while also working part-time and fulfilling the other varied commitments they have. Her experience was that supervisors and students managed these situations – i.e., where outside work and clinical work conflicted – “pragmatically” and still prioritized the needs and interests of clients. She also hopes that additional resources may be made available in future to allow the clinic to expand into other areas of law, such as education.



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She says that her “participation in the programme changed her view of the legal system and how it operates.” Specifically, it “afforded her an insight into the fundamental challenges that are facing the system as a result of the diminution of legal aid in Northern Ireland.” Lastly, Allison observes that “the Ulster University Law Clinic is important in that it increases access to justice for members of the public.” Before completing her LL.M., she did not realize “how many people were refused social welfare or the number of appeals involves.” She stresses that “social welfare legislation in Northern Ireland is a complex area and citizens need help to navigate it.”

**Mary Tumelty** is pursuing a Ph.D. at the University of Limerick and previously completed an LL.B. degree there. She undertook placements with Rannóg an Aistriúcháin (the Oireachtas translation section) and with the medical negligence unit of the Legal Aid Board under the rubric of the university’s cooperative education programme. And in her final year, Mary took the Advanced Lawyering module and a miscarriages of justice research project as part of that module. She indicates that she thoroughly enjoyed and tremendously benefitted from her range of exposure to clinical legal education as an undergraduate.

In her work on miscarriages of justice, Mary conducted extensive research, together with the other members of her small group, and met with Paddy Hill of the Birmingham Six and Gerry Conlon of the Guildford Four. Indeed, her current Ph.D research is based on both her earlier work on miscarriages of justice and her time spent with the Legal Aid Board. It is entitled: “The spiralling costs, time delays and emotional burdens of medical negligence actions: exploring alternative dispute resolution as a means of ameliorating problems with traditional litigation.”

Mary is very complimentary of her supervisors both in the cooperative programme and in the Advanced Lawyering module and opines that working in the Legal Aid Board and researching miscarriages of justice offered her the chance “to apply the substantive law studied in college in practice.” She also believes that, through clinical placements such as hers at the Legal Aid Board, students can “provide a clear benefit to society.”

**Sinéad MacFhionnlaich** is a third year law student at Griffith College Dublin where she has worked on the Irish Innocence Project. She describes her experience on the Irish Innocence Project as “hugely enjoyable.” She states that one of the Project’s central goals is “to invest in the legal professionals of the future who will uphold the values of truth, justice and fortitude.”

To participate in the Project, Sinéad was required to submit a *curriculum vitae* and a cover letter, and to interview with the directors. “There are approximately 20 students working on the Project at any one time, and two to four are assigned to each individual case. The Project has expanded recently and now incorporates some journalistic training on investigation and conducting interviews to progress cases possibly involving a miscarriage of justice and to garner useful publicity.”

Sinéad indicates that, when she was working on the Project, she and the other students were in contact with their supervising solicitors on a weekly basis, that the entire team of people working on the Project met every two weeks to share updates on cases and keep each other apprised of how matters were progressing and that reports on individual cases were compiled once or twice every year. The sole means of improving the Project she suggested was the award of academic credit for student participation – and credit will be given to students from the 2015/2016 academic year.

Sinead asserts that she “could not have realized the stress on morals or moral issues that came to the fore during the course of the placement” and she is astounded “by how many convictions were obtained solely on the basis of circumstantial evidence.” As a result, she now intends to pursue a career in public interest law. Sinéad believes passionately that “the Irish Innocence Project has contributed to educating the public and highlighting that mistakes happen in the judicial system.” Additionally, she feels that “the work is of paramount importance and helps to put pressure on the legislature to implement changes and to indirectly review convictions.”

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Tá an t-Uas. **Pól de Barra** ag freastal ar Ollscoil na hÉireann, Corcaigh. Tá sé ag déanamh céim i nDlí agus Gaeilge.

Bhraith sé gur thug an socrúchán oibre seans dó a chuid scileanna a chur i bhfeidhm sa gcomhlacht. Bhíodh sé i mbun obair éagsúil a thaithin leis. Bhíodh sé ag tógáil miontuairiscí, ag suí isteach i gcomhchomhairlí, i cruinnithe leis na cliant, ag glacadh páirt i nglanna comhdhála, agus ag freastal ag an gCúirt Chuarda i gCorcaigh.

Bhí beirt aturnae faoi leith ag déanamh maoirseacht ar a chuid oibre. Bhí Aturnae amháin i gceannas air ó Rannóg Dlí na gCuideachta agus aturnae eile i gceannas ó Rannóg Dlí Fostaíochta.

Bhí an socrúchán oibre ar siúl ar feadh dhá sheachtain déag ar bhonn lán-aimseartha. Chomh maith le sin, d'íocfadh an comhlacht pá le na scoláirí. Bhí ar scoláirí dialann a choinneáil ag déanamh cur síos ar an obair a rinneadar. Bhí aiste idir 3000 - 4000 focal le scríobh ag deireadh an chúrsa bunaithe ar an taithí a fuairadar.

Dúirt sé go raibh na maoirseoirí an-chabhrach. D'fhéadfaí teagmháil a dhéanamh leo nó ceist a chur orthu ag aon tráth.

D'fhan an t-Uas de Barra i dteagmháil leis an gcomhlacht agus choinnigh sé ag obair leo ar feadh tréimhse ina dhiaidh. Ní raibh sé ar intinn aige bheith ina n-aturnae ach, anois, ba bhreá leis cleachtadh go gairmiúil sa todhchaí.

Ceapann sé go bhfuil an socrúchán oibre thar a bheith tábhachtach do micléinn. Tharraing sé comparáid idir an bunchéim dlí atá le fáil i gColáiste na hOllscoile, Corcaigh agus an cúrsa seo. Níl sé riachtanach mar pháirt den bunchéim dlí dul ar socrúchán oibre. Is cúrsa trí bliana é agus tá seans go gcricheoidh tú an choláiste gan taithí oibre. Is minic go mbíonn sé suas ag na mic léinn iad féin, obair a fháil don samhradh. Is cúrsa bliain sa bhreis é seo. Ach is fiú go mór é dar leis an t-Uas. de Barra mar go bhfaightear taithí phraiticiúla.



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# Conclusion:

## Reflections and Recommendations

The months spent interviewing law school clinical legal education directors, students and supervisors for this report were revealing in many ways. Reflections on these interviews and consequent recommendations for the future of Irish clinical legal education follow in this conclusion. These recommendations are in no particular order. Some are clearly strategic or at macro-level; some are definitely operational or at micro-level; others don't fall neatly into these categories.

### Reflections on Interviews

The foregoing interviews, prefaced by some important data on clinical legal education programmes at Irish law schools, reveal the deeper issues and tensions shaping its evolution here. On reflection, a few things are worth noting.

First, there are manifest differences in the clinical programmes as to the balance between the practical experience and public interest pillars of clinical legal education. The acquisition of wider range of practical skills is central in all of the programmes. Yet in some, the public interest is demonstrably to the fore; in others, it is a relatively minor element. Given the stated objectives of these clinical initiatives, together with the broader missions and different traditions of the law schools of which they are a part, this is unsurprising, but striking nonetheless. It is heartening that interviews with clinical personnel in the law schools at Northumbria and Ulster universities show that debates as to the appropriate balance between these two pillars persist.

Second, while mention of the looming Legal Services Regulation Bill did not prompt much discussion in interviews, the potentially transformative changes it could hold in store for legal education merit its ongoing consideration. If, for example, the Bill allows third level law schools to offer the training to putative solicitors and barristers that is currently the exclusive province of the professional bodies, what might that mean for clinical legal education programmes? Or if this is not the case, what opportunities might lie in the clear intention of the Bill's drafters to make legal education more practical? These or similar outcomes could lead to a far greater allocation of resources to clinical programmes. Clinical directors need to anticipate how their own law schools might best respond to the final Bill when and if it is enacted.

Third, a number of different perspectives exist as to what exactly is and isn't properly described as "clinical." This is understandable and actually quite welcome, given the early stage Irish clinical legal education is at. But it is important to be mindful that, while the leading lights of the global clinical movement endorse a "broad church" definition of this pedagogical innovation, the definition does not extend to legal skills modules or moot court competitions – as valuable as they are. They are prerequisites to participation in clinical programmes.

Fourth, in interviews, clinical directors were unanimous in voicing support for the notion that it is best for everyone to work in collaboration, not in competition. On hearing this, however, many other academics will be dubious and assert that each Irish law school will invariably look out for its own interests first and be driven by a desire to develop a competitive edge. While the accuracy of this reaction, albeit a cynical one, is unassailable to an extent, it is hoped that clinical directors will put collaboration ahead of competition in practice. Given the limited resources available, doing so will maximise the experience of *all* our students.

Fifth, the benefit of clinical legal education on non-governmental organisations and law firms, in particular, is manifest from interviews with clinical supervisors. This affirms the strong belief of clinical directors that students do have something very positive and meaningful to offer. Also, the impact of participation in clinical programmes at a number of levels on the law students interviewed is readily apparent and is equally gratifying and promising.

Sixth, while the level of candour from clinical directors and the extent of the information provided by the law schools contributing to this report vary, it is commendable that all were eager and willing to set aside time and help to shape this report. The collegiality that was so evident in multiple, open channels of communication, as well as in the interviews themselves, augurs well for the future of clinical legal education in Ireland.

## Recommendations for the Future of Clinical Legal Education in Ireland

### 1. The emphasis of clinical legal education programmes should be on advancing the public interest and facilitating access to justice.

The roots of clinical legal education are in the global movements for civil rights and social justice that sprung up in the 1960s and 1970s. And there are very few (if any) observers who would challenge the widely held and articulated consensus that it is in showing law students the professional value of representing the poor and powerless in asserting their rights against the rich and powerful<sup>1</sup> that clinical legal education has had its most profound impact. The vast majority of clinical programmes in countries around the world proclaim their commitment in this regard, as well as the part the wide range of clinical teaching and learning activities play in developing the practical skills of putative lawyers. Tellingly, this dual commitment is readily apparent in the clinical programmes of the two law schools outside of this jurisdiction profiled in this report

This report finds that a substantial number of the clinical placements that Irish law students now undertake have this public interest focus. But the report also reveals that Irish clinical legal education is a “broad church,” with many business and commercial law oriented placements. And indeed, there are many clinical programmes internationally that offer students similar opportunities. It is correct to take a “broad church” view of Irish clinical legal education – and given that clinical programmes are still in their infancy here, it is necessary for a variety of reasons.

In light of international experience and, even more importantly, the reality that the unmet legal needs of marginalised individuals and groups in Irish society, and of the non-governmental organisations representing their interests, remain myriad and substantial, Irish law schools should make the promotion of the public interest and access to justice core ambitions of their clinical legal education initiatives.

Several of the leading scholars working in a different context have made this same point and their words bear repeating. “In order to increase the number of law school graduates who embrace a professional responsibility to assure access to justice for the poor, clinicians must strive to inculcate in their students an understanding and compassionate concern for the plight of people living in poverty, and a sense of professional responsibility for increasing their access to justice.”<sup>2</sup> Students must be exposed “to the maldistribution of wealth, power and rights in society” and must gain “a sense of their own ability and responsibility for using law to challenge injustice by assisting the poor and the powerless.”<sup>3</sup> Accordingly, “the public interest requires law students to learn they have a social and professional responsibility to challenge injustice and to pursue social justice in society.”<sup>4</sup>

These words are equally incontrovertible in Ireland in 2015.

- 1 Stephen Wizner & Robert Solomon, “Law as Politics: A Response to Adam Babich” 11 *Clinical Law Review* 473 at 476-477 (2004-2005).
- 2 Stephen Wizner & Jane Aiken, “Teaching and Doing: The Role of Law School Clinics in Enhancing Access to Justice” 73 *Fordham Law Review* 997 at 1011 (2004)
- 3 Stephen Wizner, “Beyond Skills Training” 7 *Clinical Law Review* 327 at 331 (2000-2001).
- 4 Stephen Wizner, “The Law School Clinic: Legal Education in the Interests of Justice” 70 *Fordham Law Review* 1929 at 1929 (2002)



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## **2. Remuneration for clinical legal education placements, other than for general expenses, should usually be discouraged.**

This report finds that some law students who undertake clinical placements in Ireland are remunerated for their efforts. To date, clinical directors indicate that this has not engendered any related issues. The potential for remuneration to engender difficulty is nonetheless undeniable.

In most instances, private law firms will be in a much better position to pay law students than will non-governmental organizations operating with limited budgets. That students might understandably make career-shaping decisions based to a large extent on their short-term financial situation is not desirable and runs contrary to the pedagogy at the heart of clinical legal education. Students are “paid” for their time spent on placement in academic credit awarded by the institution they attend. Ideally, remuneration should be limited (where it is available) to reimbursement for travel and other expenses incurred. Of course, where placements are full-time and require students to relocate and live in expensive urban centres, the circumstances are quite different and remuneration is more justifiable.

In the US, the jurisdiction with the most advanced regime of clinical placements (externships as they are identified there), American Bar Association accreditation standards have long required externships to be unpaid if students are earning credit for the work in the externship placement.<sup>5</sup> And what is perhaps the strongest argument there against that rule – the staggering cost of American higher education – does not pertain here.

## **3. Law school clinical directors should prioritise the incremental development of “live client” models of clinical legal education.**



The optimal type of clinical legal education is the “live client” model, in which students work on “real world” cases under the supervision of qualified lawyers. In the main because “live client” clinics are so resource intensive, but also because of some other obstacles (e.g., physical space, insurance, lack of institutional buy-in), existing clinical programmes in Ireland predominantly involve student placements and/or research projects. While these have proven successful and have given many of today’s Irish law students a far better sense of law in the “real world” than their predecessors, the next necessary step in the evolution of clinical legal education here is the “live client” model.

In general, clinical directors and supervisors interviewed for this report find favour with the “live client” model, but believe that it remains some ways off in this jurisdiction. They did, however, identify possible ways to give students a “live client” experience in the shorter term. First, the Irish Innocence Project at Griffith College Dublin, which involves students reviewing case files and, where there is merit, assisting in the representation of clients whose conviction may have been in error, is keen to involve more students from other law schools in its work. Second, the postgraduate Child Law Clinic in the School of Law at University College Cork, where there is a critical mass of relevant expertise among academic staff, has had a marked impact in supporting litigation in this area. This model may be amenable to adapting – probably at postgraduate level – in other areas in law schools with a similar critical mass of academic expertise. Third, Professor Shane Kilcommons, Head of the School of Law at the University of Limerick, believes that students, after having been trained by academics, practitioners and non-governmental organizations with relevant expertise, could accompany victims of crime to court to ensure that they fully understand their rights and responsibilities in a complex and often intimidating setting. The law students would play a similar role to what are known as “victim witness advocates” in some US states. Fourth, some clinical directors and supervisors thought it would be worth exploring the establishment of a social welfare clinic, providing information and advice to claimants as to their entitlements, appeal rights, etc. involving students from multiple law schools. Colleagues from the School of Law at Ulster University

5 James Backman, “Law School Externships: Reevaluating Compensation Policies To Permit Paid Externships” 17 *Clinical Law Review* 21 at 21 (2010). See Interpretation 305-3 to A.B.A. Standard 305, available at <http://www.abanet.org/legaled/standards/20072008StandardsWebContent/Chapter%203.pdf>.

offered to provide guidance and assistance in this endeavour based on their related experience. Fifth, clinical supervisors from non-governmental organisations expressed a view in interviews that both undergraduate and postgraduate law students are well-placed to provide badly needed research assistance in connection with their policy initiatives and law reform campaigns.

If one or more of these ideas, which, as compared to fully “live client” clinics do not require significant resources, were acted upon and then proved successful, this would go a significant way to building the case for the additional resources necessary to explore the same sort of “live client” models that have been so successful internationally.

#### **4. The fledgling Irish Clinical Legal Education Association (ICLEA) must play a leadership role in expanding and enhancing clinical pedagogy and scholarship, as well as promoting the interests of all stakeholders in clinical legal education.**

Around the world, there are “several local, regional and international organisations that support the development of clinical education through workshops, journals, and conferences that focus on curriculum, teaching methods, assessment and other educational issues. These organisations contribute to the growth of clinical legal education by bringing together clinical legal educators to formulate standards, share knowledge about programmes, collaborate on teacher training, and pool resources to produce teaching materials and texts.”<sup>6</sup> And in South Africa, for example, clinical legal education organisations “have pioneered several instructive ways of both stretching scarce resources, and also raising revenue to expand the law clinics.”<sup>7</sup>

ICLEA was formed at an Irish clinical legal education conference in 2013 at the National University of Ireland, Galway. A second conference was held at University College Dublin in 2014. The core individuals involved in its formation have met more informally since then. Clinical directors almost unanimously believe that this organisation has to assume a lead on the above-identified issues in the years to come. Crucially, the general sentiment is that the organisation needs to have a small executive team with a membership that rotates and includes representatives from the broad cross section of law schools in Ireland. This executive team should work collectively – the need for clinical directors to act in concert, and not in competition, is generally accepted – to secure more resources from public and private funders, to drive distinctly Irish clinical pedagogy and scholarship and to promote the interests of the stakeholders in clinical legal education.

This report fully endorses the principle that ICLEA, similar to its counterparts elsewhere, must be an active, driving and unifying force in the clinical legal education movement in Ireland.

6 Stacy Caplow, “Clinical Legal Education in Hong Kong: A Time To Move Forward” 36 Hong Kong Law Journal 229 at 238 (2006).

7 Peggy Maisel, “Expanding and Sustaining Clinical Legal Education in Developing Countries: What We Can Learn from South Africa” 30 Fordham International Law Journal 374 at 391 (2007).



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## **5. Because clinical programmes are led by academics and are – or should be – within the curriculum, law school clinical directors should be centrally involved in the process of placing students.**

Clinical programmes are, in the end, another aspect of the legal education provided by Irish law schools and, optimally, are recognised in the same fashion as traditional modules (i.e., by the award of academic credit). As such, it is vital that the directors of the programmes are actively involved in the placement of students. It is completely understandable that placement supervisors may wish to examine application materials and to interview students and be the final arbiter of which student(s) they take on. Yet equally, given that clinical legal education is ultimately rooted in the educational experience, that it is an element of the worthy goal of Irish law schools to provide a legal training appropriate to the realities of 2015 and that legal academics ordinarily know their students better personally than their prospective supervisors do, it is crucial that clinical directors also retain a voice in the process.

In the US, a “best practices” document on externships (placements) notes that “approaches to assigning students may include... careful review of applications by externship faculty [and] individual consultations between students and faculty.” More flexibly, assignment of students may be based on “interviews between students and prospective placement supervisors, or [the law school may] articulat[e] approval standards to students who seek or propose placements independently.”<sup>8</sup> A combination of these approaches, which would allow Irish law schools a considerable amount of latitude in how students can be placed, but at the same time ensure that students, directors and supervisors all have input into the process, is most sensible.

## **6. Members of law school academic staff with an interest in and/or relevant experience of clinical legal education should be encouraged and, to the extent possible, incentivised to assist clinical directors with their duties.**



While it is extremely unlikely that Irish law schools will have the financial and other resources necessary to hire multiple members of full-time academic staff with designated responsibility for clinical legal education, there is now a readily identifiable cadre of academics in virtually every law school who, owing to their background and/or areas of expertise, could make a valuable contribution to their clinical programmes. Most of the clinical directors describe in this report just how time-consuming and labour intensive it is to direct a programme, as well as the largely unexpected reality that, even after several years of doing so, the energy and effort required stays approximately the same. Moreover, clinical directors note that the significant responsibility that inheres in their posts detracts from their other academic duties.

Because of the benefits that would accrue to clinical legal education programmes and because of the arguably disproportionate burden currently falling on clinical directors, more academic staff members should be encouraged and/or incentivised to help lead law school clinical activities. This already occurs at some Irish law schools. For example, in the School of Law at the University of Limerick, virtually all staff members supervise students on cooperative placements and are involved with students’ “real world” research projects. Irish law schools should endeavour to have as many academics as is practicable contribute to their clinical legal education programmes.

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8 James Backman, “Where Do Externships Fit? A New Paradigm Is Needed: Marshalling Law School Resources To Provide an Externship for Every Student” 56 *Journal of Legal Education* 615 at 631 (2006) citing Roy Stuckey et al, *Best Practices for Legal Education, A Vision and a Road Map* (2007) at 150.

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## **7. In making new hires and in measuring the performance of members of academic staff with significant responsibility for clinical legal education programmes, Deans and Heads of law schools should have due regard for experience of the “law in practice” in the former and for the time-consuming, labour intensive nature of clinical legal education in the latter.**

Directors are the key staff to enable the ongoing stability and growth of the law clinics.<sup>9</sup> As a result of its unique pedagogical structure, clinical teaching is not only intellectually challenging, but time-intensive and unpredictable.<sup>10</sup> These truisms are found throughout clinical scholarship. And they shape two inextricably intertwined recommendations.

First, experience of law practice must be more valued in hiring legal academics. Clinical directors are charged with leading initiatives that are practical in nature. Hence, and just as in other jurisdictions where clinical legal education is a core part of legal training, those directors should have practical experience of the law – whether as former and/or current practitioners, employees of government bodies or non-governmental organisations, or in other relevant positions. It would improve the experience of clinical students if their academic supervisors had a fully rounded awareness, rooted in both their previous academic and career pursuits. What’s more, it is submitted that academics who have this multi-dimensional profile and who are interested as much (or more) in how the law operates in the “real world” as in the theory that underpins it would add immeasurably to the law schools that hire them.

Second, another truism from the scholarship is that a significant factor counting against academics with significant responsibility for clinical legal education in terms of promotion is the resulting difficulty they have in engaging in research and writing for publication.<sup>11</sup> Law schools Deans and Heads in Ireland cannot expect that academics will stay focused on clinical activities if their perception is that scholarly outputs will, in overwhelming measure, determine their career progression. If this perception is reality, Deans and Heads cannot expect that academics will devote careers to clinical legal education. As a corollary, they cannot expect that clinical legal education in Ireland will progress greatly from where it stands today.

Internationally, there are many legal academics who are first and foremost clinicians. They are the leaders of the clinical legal education movement nationally and internationally. Given the very different nature of their work to that of traditional legal academics, their performance metrics are typically nuanced and they have effectively been incentivised to concentrate on running and innovating clinical programmes. Drawing on best practices and in light of the distinctive features of academic life in this jurisdiction, the metrics for the career progression of clinical directors should be similarly nuanced here.

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9 Peggy Maisel, “Expanding and Sustaining Clinical Legal Education in Developing Countries: What We Can Learn from South Africa” 30 *Fordham International Law Journal* 374 at 405 (2007).

10 Bryan Adamson et al, “Clinical Faculty in the Legal Academy: Hiring, Promotion and Retention” 62 *Journal of Legal Education* 115 at 120 (2012).

11 Peggy Maisel, “Expanding and Sustaining Clinical Legal Education in Developing Countries: What We Can Learn from South Africa” 30 *Fordham International Law Journal* 374 at 406 (2007).



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## **8. The possibility of awarding continuing professional development points to practitioners who surprise law students on clinical legal education programmes should be explored.**

Among the most common points made by clinical directors, as evidenced in the feedback they receive annually from practitioners who are clinical placement supervisors, is the extent to which they benefit from the enthusiasm, energy, fresh perspective and awareness of recent legal developments law students typically bring with them. Naturally, the clinical directors find it immensely rewarding that these relationships with placement partners are mutually rewarding.

In this vein, Dr. Seán Ó Conaill of the School of Law at University College Cork makes the suggestion that the feasibility of practitioners being awarded continuing professional development points for supervising law students on clinical placements should be examined. This would recognise the time and effort expended in guiding students. Furthermore, it could engender new and promising opportunities for clinical placement students in future. Dr. Ó Conaill's suggestion is definitely worth exploring.

## **9. Law school clinical directors should organise regular stakeholder meetings of placement supervisors, academic colleagues and past students to ensure optimal experiences for all.**

Placement supervisors interviewed for this report all express a desire to be more fully integrated with the clinical programmes at the law schools they accept students from. Specifically, they indicate that it would be useful for them to meet with clinical directors on a more regular basis and to have expectations and objectives more clearly outlined for them on an annual basis. The points placement supervisors make in this regard are compelling; it is encouraging that they are so committed to ensuring an ideal experience for law students. In practice, however, it is quite difficult to organise individual meetings with ever-increasing numbers of people.

Accordingly, this report recommends that clinical directors hold stakeholder meetings and invite the entire group of placement supervisors they work with, as well as their law school colleagues. These meetings could prove extremely useful by bringing together a number of people who are committed to clinical legal education and can learn a considerable amount from one another.<sup>12</sup> A host of issues specific to each law school would determine how often such meetings might be held and the related logistics, but based on repeated comments from placement supervisors, this report urges that meetings of this sort be convened.

Consideration should also be given to inviting past students of clinical programmes to these or to separate meetings. Their insights on how their exposure to clinical legal education influenced their career paths and on how programmes should be tailored to best comport with the environment new graduates will be working in would be invaluable. Again, eliciting feedback and continually seeking to ensure that all stakeholders are “on the same page” must be a goal of clinical directors.

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<sup>12</sup> Notably, in a most instructive workshop facilitated by Professor Richard Grimes of York Law School at an ICLEA conference in 2014, representatives of the various stakeholder groups simulated such a meeting. Participants afterward commented that they “learned a lot” and that the workshop “opened their eyes” to the varied perspectives of the other stakeholder groups.

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**10. This report should serve as the catalyst for an ICLEA conference with national and international speakers on the future of clinical legal education in Ireland during academic year 2015-2016.**

The recommendations of this report require discussion and debate. As stated at the outset, they are intended to provoke key stakeholders to think further about the important issues and challenges that have surfaced in this report. While it is hoped that the recommendations will be supported broadly, it is equally hoped that they will be considered and will elicit responses. An ICLEA conference constructed around this dialogue and with input from international experts should be held in the coming academic year. The objective of this conference must be to reach broad agreement as to how we can build on the progress made thus far and realise the potential of clinical legal education in Ireland.

