

# **THE USE OF UNIVERSITY LAW CLINICS FOR LEGAL REFORM**

Dr Chris Gallavin and Henry  
Holderness, University of Canterbury  
Christchurch, New Zealand

# Introduction

- Dr Chris Gallavin – Associate Professor – Dean and Head of School

Specialising in: domestic and international criminal law, law of evidence

- Henry Holderness – Lecturer – Master of Moots

Specialising in: insurance, employment, company & securities law

# Introduction

*Integrating a structured law reform programme into a university clinical legal studies programme*

- What we are trying to achieve
- The results so far

# Clinical Law at Canterbury

- Origins – traditional clinical law models (US, UK, Africa, Caribbean, Asia)
- Establishment at Canterbury: 2013-2014
- Professor Robin Palmer
- Current programme

# COUNTRIES WITH UNIVERSITY CLINICAL LAW PROGRAMMES



#### 5. OBJECTIVES OF CLINICAL LEGAL PROGRAMME

- 1) **Integrate** academic education with work of Community Law Centre (2014)
- 2) **Internship** programme (LAWS 382)
- 3) **100 hours** community/profession service (2015)
- 4) **NZ Public Interest Project (2013)**
- 5) Assist to deliver **CPD** to legal profession (2014)

#### 4. SCHOOL OF LAW: STRATEGIC OBJECTIVES

- 1) Criminal Justice Degree (2014)
- 2) **Implement comprehensive Clinical Legal Programme**
- 3) **“Conduit”** for “all things legal” in Canterbury region

### CONTEXT:

#### UNIVERSITY OF CANTERBURY: LAW SCHOOL STRATEGIC PLAN (2013-2015) ROLE OF THE CLINICAL LEGAL PROGRAMME

#### 1. SCHOOL OF LAW: MISSION STATEMENT

“Internationally recognised, professionally relevant & community focused Law School.”

#### 2. SCHOOL OF LAW: PURPOSE

- 1) Prepare students for **all legal and quasi-legal professional** careers.
- 2) Educate students in **core skills and principles** of law.
- 3) Courage to **challenge the status quo** (knowledge and understanding)
- 4) Apply research and scholarship to **disseminate knowledge**
- 5) **Engage** professional, social and cultural communities

#### 3. SCHOOL OF LAW: VALUES

- 1) Adhere to **Treaty of Waitangi** principles
- 2) Academic freedom- to foster **intellectual curiosity and innovation**.
- 3) **Research and teaching** excellence
- 4) **Student-centred** learning
- 5) Enhance **diversity** and **equal opportunities**
- 6) **Benefit community** positively

# General law clinics

## Main purposes (traditionally):

- Practical training – better legal education
- Service to deserving clients – helping those in need

- Examples

Tenancy and housing

Insurance

Employment

Criminal

# General law clinics

**A significant by-product of general clinics is...**

The identification of recurrent legal problems, particularly problems faced by people with little capacity to effect change



# Question

- *What is the point of having a clinical legal programme which exposes legal problems if we do not then take action to solve those problems*



# Answer

Let's try to make law reform initiatives an integral part of our general clinical legal programme

How do we do that?

# The Law Reform Clinic

## What is it?

- A clinic dedicated to the remediation of recurrent legal problems identified in the general clinics
- Sits alongside the general clinics but has same status within the clinical law programme
- Provides interested students with the opportunity to experience law reform in action
- Serves the public by helping to improve the law

# Who runs the LRC?

Overall  
responsibility:

CLSP Director (Robin Palmer)



General  
support:

Programme members (various Faculty  
members)



Front line  
teachers:

Jolyon White and Lyndon Rogers  
(researchers/professional law reform advocates  
employed by AngliCare)

# Which students are eligible to enter?

- Any student in the general clinical programme
- General clinics = optional
- Once in the general programme, those particularly interested in LRC will be drafted in

# Process - methodology

Step 1: Training

Step 2: Identify problems

Step 3: Research

Step 4: Action planning

Step 5: Implementation

# Example 1 – housing and tenancy issue

- Bond (damage deposit) abuse
- No joint final inspection at end of tenancy, so scope for landlord to take advantage of tenant

**Solution: draft and lobby for legislative amendment to Residential Tenancies Act 1986**

# Example 2 – employment law at sea (AngliCare)

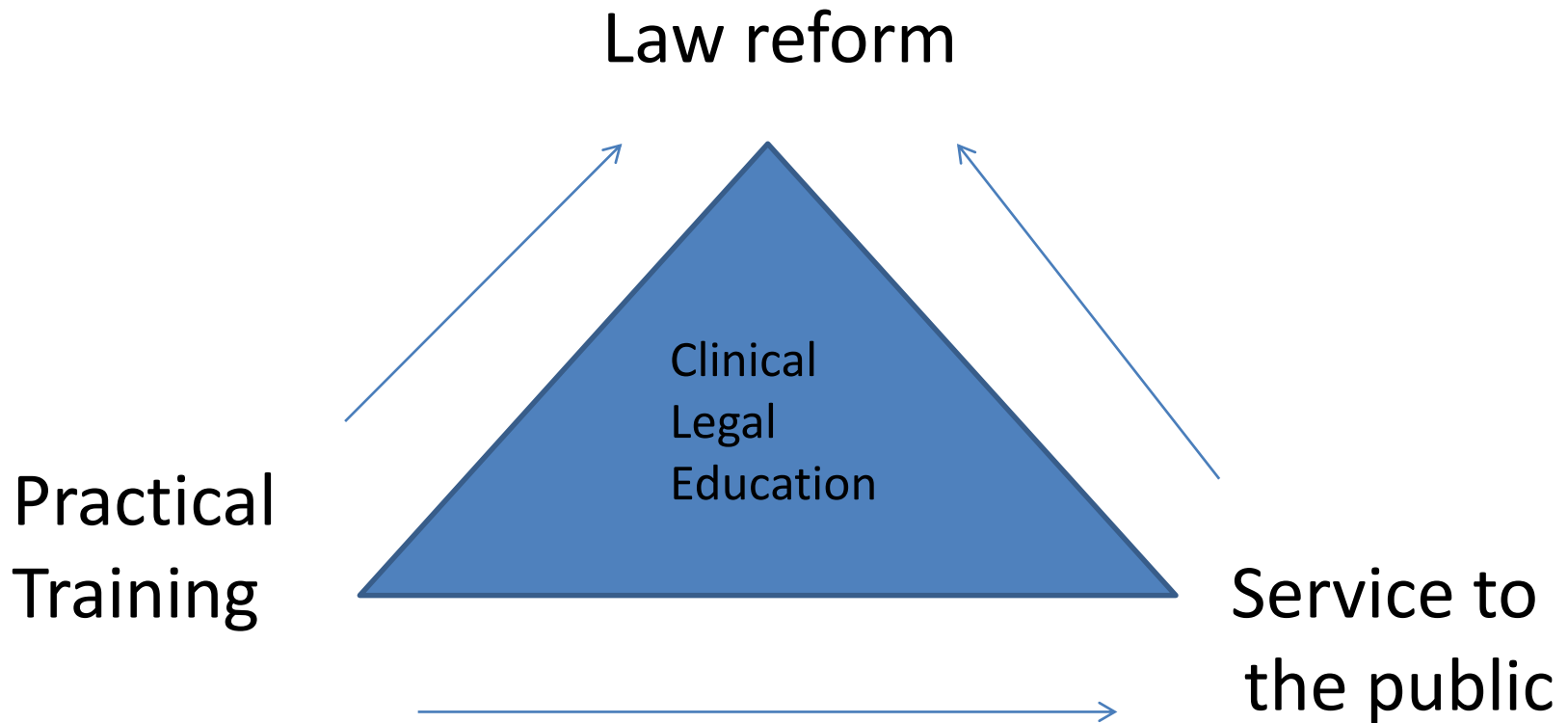
- Korean deep sea trawlers with Indonesian crew kept in appalling conditions, including allegations of physical and sexual abuse
- Very difficult if not impossible to force Korean ship owners to comply with NZ employment standards

**Solution: lobbied MBIE to change policy on status of foreign fishing ships, which now have to be re-flagged when entering NZ waters and thus NZ laws apply**

Most of the problems were solved immediately after this policy shift was implemented



# An enhanced model



# Other benefits

- Feeds academic research within the Law School
- Links with other relevant initiatives/clinics  
eg: New Zealand Public Interest Project  
Outreach (prisons) clinic

# Conclusion

- Still in early stages
- Already strong student interest in the LRC
- Some early signs of good results
- Exciting prospects