



**CITY UNIVERSITY
LONDON**

**Training Law Students to be
McKenzie Friends for Victims of
Domestic Abuse**

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The work of the National Centre for Domestic Violence (NCDV)

- Free, quick access to a method of getting a victim's story into the proper legal form
- To make an application for an injunction
- Protection from the civil court
- Against all forms of abuse and (often)
- Keeping the abuser away from the victim's home
- The key work of the volunteer is:
 - To conduct a telephone conference
 - To draft the witness statement for the court process

Why is there a need: the funding problem and litigants in person (LIPs)

- Many victims will not qualify for legal aid under the means testing
- The evidence criteria are difficult to satisfy if there is no criminal court process or no other agency has been involved
- Urgency: solicitors' appointments difficult to get urgently
- Litigant in person (with assistance from other organisations)

Nottinghamshire's provision of help for victims of domestic abuse

- **WAIS: Women's Aid Integrated Services, Chaucer St, Nottingham**
- **Nottinghamshire Women's Aid Ltd**
- **Nottingham Central women's aid**
- **Midlands Women's Aid**

What do victims gain?

- Civil rather than criminal court
- Effective protection to support the decision to end the relationship
- Quick, safe and, if it is urgent, non adversarial
- A trained McKenzie Friend to draft their witness statement

How does it help the court?

A properly drafted witness statement:

- A piece of persuasive writing
- Concise and well structured
- Clear and effective
- Should save court time
- Require few, if any, questions of the victim in court

What are the challenges that face law students here?

- Before training:
 - focusing on how we train them
- In working as a McKenzie Friend:
 - focusing on how this develops their experiential learning
 - conference skills and writing a persuasive witness statement

The humane lawyer?

- Sullivan et al, *Educating Lawyers*
- “Gradually, case by case, students discover that reading with understanding means being able to talk about human conflicts in a distinctively legal voice.”
- Our McKenzie Friends need to elicit the story of such human conflict through legally focused questions, but with a human voice

Before training

- Knowledge: law and procedure
- Understanding the dynamics of abuse
- The difficulty in leaving
- The victim's state of mind: abuse is the norm
- An awareness of the victim's: shame, embarrassment, guilt, responsibility
- Understanding that the victim might not recognise all forms of abuse she has experienced

Financial abuse

- ***‘Unequal, trapped and controlled’***: *Women’s experiences of financial abuse and the potential implications for Universal Credit, Women’s aid and the TUC Report (March 2015)*
- <http://www.womensaid.org.uk/>
- In interviews and focus groups, emotional or financial abuse came before other types of abuse
- 52% of female survey respondents were still living with their abuser and said they could not afford to leave

The training

- Law and procedure
- Focus on dynamics: reasons why victims do not leave; reasons why they do; the police training experience
- Learning how to ask questions
- The necessary ingredients of a witness statement
- Practising interviews and drafting statements: role play between students.
- Sharing the drafts together

What does one hope students will gain from this type of clinical experience?

- a) How to adapt to lay clients
- b) To be client focused
- c) A professional approach
- d) Effective persuasion
- e) To meet the needs of the whole client
- f) Empathetic listening skills
- g) Effective questioning techniques
- h) A reflective approach to improving

Please rank these in order of priority

Difficulties whilst working as a McKenzie Friend

- Emotion
- Reticence
- “That’s not abuse”
- Vagueness
- Overly talkative client/a flood of information
- Empathy/professionalism
- What to keep in/edit out
- The client’s voice/polished prose?

Reflecting and learning

- Boud: reflection is a key part of experiential learning as it turns experience into learning
- Maughan: Reflection on action provides you with a description of the process, which you will then add to your repertoire for future use.
- One student this year devised a list of Prompts and Aids for Conference: eg
- Client being too vague:
 - *You say he 'battered you'. What do you mean by that? What exactly did he do?*
 - *You say the injuries 'weren't that bad'. What injuries did you sustain?*

CLS students' reflections

- *'Most importantly, I have developed the interpersonal skills necessary to assist vulnerable clients during a critical point in their lives.'*
- *'... it truly has made me appreciate the strength of the human spirit. Despite traumatic experiences, clients' optimism and lack of bitterness for their perpetrators deeply moved me.'*
- The student recounted how the client had appeared to test her by asking her to call back several times; only after this did the defensive barriers come down and would she engage in the conference. *'... I discovered a very scared and nervous lady who was struggling to cope. The dangers of such behaviours for a barrister I learnt is that when we have passed the 'test', the client can then get a little too dependent...you have to be mindful of maintain some professional detachment.'*

In groups, take a topic, please

- From your experience of developing students' learning through clinical options:
 - how can students be best prepared?
 - what is the most important advice as they begin working in a clinical setting?
 - are there other ways to assist the development of experiential learning through such options?
- Could this NCDV model be adapted for other voluntary organisations to help victims of abuse?

References

- Boud D, et al: *Reflection: Turning Experience into Learning* (1985, London: Kogan Page)
- Maughan, C and Webb, J: *Lawyering Skills and the Legal Process* (1995, London: Butterworths)
- Sullivan, W. et al *Educating Lawyers: Preparation for the Profession of Law*, Carnegie Foundation for the Advancement of Teaching (2007, San Francisco: Jossey-Bass)