

CLOCK: A TRANSFORMATIVE EXPERIENCE

MARIA FEDERICA MOSCATI¹

University of Sussex

This 'Note' presents a brief overview of the Community Legal Companion scheme (CLOCK)² and its impact on students, litigants in person and lecturers who are involved in the project. The following discussion, which is not intended to be exhaustive, draws upon my experience since 2016 as academic co-lead of CLOCK at the University of Sussex.³

Recognizing the difficulties that litigants in person⁴ often face in going to court and inspired by the principles of access to justice as well as in reaction to some of the negative consequences of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), CLOCK was established to support litigants in person in court. CLOCK was first created by Jane Krishnadas and launched in 2012 by the School of Law at Keele

¹ I wish to thank Jane Krishnadas, Jeanette Ashton and George Harrison for agreeing to share their experience of CLOCK with me. All errors are mine.

² Community Legal Outreach Collaboration Keele: see the [CLOCK website](#).

³ The School of Law at the University of Sussex runs the Clinic Legal Education programme which includes a variety of projects. For further information see the [Sussex Clinical Legal Education website](#).

⁴ According to the Practice Guidance issued by the Master of the Rolls in 2013, a litigant in person is an individual who conducts legal proceedings on her or his own behalf. Litigants in person face financial, procedural, and emotional difficulties. Before the launch of CLOCK, Moorhead and Sefton (2005) suggested that 11 indicators of vulnerability characterize litigants in person: being a victim of violence; depression; alcoholism; being a young lone parent; drug use; history of imprisonment; mental illness; living in temporary accommodation with children; illiteracy; terminal illness; involvement with social services. To these indicators other characteristics of litigants could be added, including ethnic minority status and possessing limited language skills. Further research has shown how, following the cuts to legal aid in 2012, cases with at least one litigant in person have increased significantly in private family law cases (Trinder et al 2014).

University.⁵ Explaining the reasons for developing this initiative, Jane Krishnadas suggested to me:

The Community Legal Outreach Collaboration Keele, was designed as an active application of the ‘transformative methodology’ [Krishnadas 2008] based upon listening to the experiences of women in the post-earthquake reconstruction process, as they sought to claim their rights as legal subjects across the family, communities, the state and international context.

My research engaged with Eastern and Western feminist rights discourse to ask whether rights strategies can ever be transformative? ... This question was raised in my later research listening to women survivors of domestic violence ‘Voices of Experience’: where after the significant withdrawal of legal aid (LASPO), women were faced with the critical and fearful dilemma; whether to leave an island of abuse or enter the shark infested waters of the legal system, alone. CLOCK centres women’s voices, to understand how access to rights are based upon: i) the complexity and intersectionality of identities, ii) multiple needs, and iii) across public and private spheres of justice, to affect who, what and where rights could be claimed.

The students who participate in CLOCK are trained to become Community Legal Companions—a role which (although with some differences) draws upon the notion of the McKenzie Friend. Before taking on this role, the students attend a training which is divided into five days: academic training; legal training; third-sector training; court training involving guidance and study of court forms; and legal training in court. Once in court CLOCK Legal Companions support the litigants in person, helping them to complete court forms, assisting with the preparation of case bundles and during the hearings, and signposting the litigant to the law firms, mediation practices and charities which are partners in the project. At the end of every one of their shifts in court, the Legal Companions write an ‘end-of-shift’ report. Assisting litigants in person includes also answering their queries via dedicated email accounts. However, CLOCK Legal Companions are not allowed to give legal advice.

As Jane Krishnadas suggests:

CLOCK designed the role of the Community Legal Companion to connect and empower all marginalised person as a relational method to exercise their agency, create capacity to access legal aid, and mobilise across the private and public legal spheres, to become agents of change and transform sites of justice.

Although students are the main actors in the project, CLOCK develops concrete collaborations with law firms, mediation providers, courts, police,

⁵ With regards to Law Schools, CLOCK is currently being offered by: Keele, Brighton, Sussex, Canterbury, Wolverhampton, Leicester, Salford, and Liverpool John Moores.

the local council, charities and the civil and criminal justice system. The range of cases Legal Companions deal with is broad and includes child arrangements orders, housing, child adoption, child abduction, child welfare, employment, domestic violence (and in particular breach of non-molestation orders) and passport applications. In general, litigants ask Legal Companions to assist with case bundles, proofreading of statements, submission of forms, and taking notes during hearings.

But has CLOCK been transformative? It is contended here that CLOCK does have a transformative impact on students, lecturers and litigants in person. As one former Legal Companion points out:

CLOCK provides an invaluable service which is vital to the local community, as it allows people to access the legal information and moral support they need which is extremely important, more so now that legal aid for most private family law matters has been cut since the Legal Aid, Sentencing and Punishment of Offenders Act 2012. Having been a CLOCK Legal Companion for the past year, I have experienced first-hand the tremendously positive impact the service has had on litigants in person who otherwise might have struggled with understanding and dealing with the complicated litigation process.

The findings of a small-scale research project concerning the possible benefits of CLOCK on the Legal Companions at Canterbury Christ Church University and the University of Brighton indicate that CLOCK enhances students' knowledge of the law, their ability to be reflective and their employability (Waters and Ashton 2018).

More generally, based on some ethnographic data I have collected during these past few years, two significant transformations characterize the impact that CLOCK has had on Legal Companions. First, the project has helped Legal Companions to be aware of the various shapes barriers to access to justice might assume (Moscati 2017). When attending the preparatory training students are asked to offer examples of barriers to access to justice which in their view litigants in person might face. Their answers mainly focus on legal and procedural barriers such as lack of legal representation, complicated procedural rules, and difficulties when filling in court forms. After some experience in court assisting litigants in person, Legal Companions become more aware of other issues such as emotions, power imbalances between two disputants (when, for instance, one litigant is represented and the other is not), language, relationships between the disputants, and the overall intimidating pressure that the court system creates. They see such issues as representing significant barriers to access to justice. As one former Legal Companion put it, that in addition to legal knowledge, 'CLOCK is also about empathy.'

A second transformative impact that CLOCK has on Legal Companions is to encourage within them a broader conceptualisation of the role of lawyers and a greater awareness of cause lawyering (and the discourse it has generated). Students often move away from an initial, rather narrow, understanding of lawyering. So that they come to see the work of lawyers as more than offering legal advice and legal representation and to include also an access-to-justice driven role for the lawyer—one which aims to encourage social change, creating greater rights awareness, and valuing collaborations with different members of society.

As far as the impact on litigants in person is concerned, raising awareness and empowerment double the practical aid that CLOCK offers to litigants in person. Indeed, as a former litigant in person wrote:

Today I attended my hearing with ... as my Companion. Without her I would not have got through it. She did all that she said she would do, that she couldn't advise me but made me think about what I needed to say to the judge. She gave me great support and just having her there to take notes and reassure me was all I could ask. I wish you well ... and thank you once again.

Academic Leads involved in CLOCK, such as myself, find in this project an opportunity to instil a broad approach to access to justice within legal teaching. Overall, and as widely suggested, legal clinical education represents an opportunity to offer some legal support to those who encounter difficulties in accessing justice. Through CLOCK, in my view, such opportunities increase as to include the community outreach. In practical terms, our role as academic leaders consists of supervising the work that Legal Companions do in court, and in preparing for hearings, liaising with local community and creating connections with law firms, charities, and courts, and supporting CLOCK with our research. However, there is more. As suggested by my colleague Jeanette Ashton:

Establishing and running CLOCK in Sussex has enhanced my role as a lecturer in a number of ways. A key element of the CLOCK project is collaboration and working with other universities; students across various year groups; the local legal community and courts is very rewarding. We can, as lecturers, naturally be focused on our subject and the day to day tasks of the role, without feeling part of the 'bigger picture'. Being part of CLOCK enables lecturers, and the students on the project, to be part of that wider community. On a personal level, I value the connections I have made through reaching out to the community for assistance with the project. From a wider university perspective, alongside the employability skills gained by students, there is the benefit of enhanced relationships with the local legal community.

The benefits which the students cite include gaining practical experience which complements their academic studies and a sense of making a positive contribution to the local community. I feel the same benefits as a lecturer and non-practising solicitor, with the practical challenges of the role giving me a greater understanding of the current challenges for the legal profession.

CLOCK is an ongoing journey and criticisms, resistance and defection are accompanying luggage. However, the transformations it brings suggest that it is adding a new important dimension to access to justice, and that the journey is well-worth continuing in the years ahead.

References

- Krishnadas, Jane (2008) 'Rights as the Intersections: Rebuilding Cultural, Material and Spatial Spheres of Justice—A Transformative Methodology' in R Dasgupta (ed) *Cultural Practices, Political Possibilities* Newcastle: Cambridge Scholars.
- Krishnadas, Jane (2018) 'CLOCK: "The Community Legal Companion" as an Agent of Change: a Transformative Methodology' in L Thomas, S Vaughan, B Markani & T Lynch (eds) *Reimagining Clinical Legal Education* London: Hart Publishing.
- Moorhead, Richard and Mark Sefton (2005) *Litigants in Person: Unrepresented Litigants in Person: Unrepresented Litigants in First Instance Proceedings* London: Department for Constitutional Affairs.
- Moscatti, Maria Federica (2017) 'Playing Hide-and-Seek! Barriers to Access to Justice for Family Disputants in England and Wales' in Geraldine George (ed) *Droit, Langues et Cultures: Regards Croisés sur les Difficultés d'Accès à la Justice au Royaume-Uni* [Law, Languages and Cultures: Converging Perspectives on Limits to Access to Justice in the United Kingdom] Paris: Editions Pantheon-Assas.
- Trinder, Liz, Rosemary Hunter, Emma Hitchings, Joanna Miles, Richard Moorhead, Leanna Smith, Mark Sefton, Victoria Hinchly, Kay Bader & Julia Pearce (2014) *Litigants in Person in Private Family Law Cases* London: Ministry of Justice Analytical Series.
- Waters, Ben and Jeanette Ashton (2018) 'A Study into Situated Learning through Community Legal Companionship' 25(2) *International Journal of Clinical Legal Education* 4-47.