

Clinical Legal Education

Reflective Blog Post – Jorja Hills



Through working at Sussex Law Clinic, I have witnessed an immense volume of barriers faced by the general public when attempting to access justice. This has been an incredible eye-opener for me and has considerably impacted the way I view my legal education and our legal system as a whole.

The first client with whom I came in contact was Amy (not her real name), who had been convicted of a drink driving offence. Whilst Amy pleaded guilty at the time, resulting in a fine and a disqualification from driving, she believes that she entered this plea in error because of an accumulation of procedural faults. Firstly, Amy was not able to speak to a solicitor, and thus did not receive sufficient advice nor fully understand the conviction. It should be noted here that any person charged with an imprisonable offence is entitled to a duty solicitor, free of charge, for a single court hearing. Therefore, Amy was entitled to receive advice and guidance from a duty solicitor and there is no reasonable explanation as to why this was not offered to her.

The second issue in this case is whether the procedure for obtaining evidence was undertaken accurately. The blood sample used to convict Amy would be inadmissible if taken incorrectly, and currently there is not sufficient evidence that the sample was taken pursuant to the correct guidelines. The accumulation of these issues is significant since, if Amy had access to the duty solicitor, they would have ensured that the correct procedure was taken before the plea was given. Therefore, without this investigation nor any other advice, Amy pleaded guilty incorrectly.

As a third-year law student, I was surprised at the multiple procedural errors that appear to have occurred in this case and the lack of support that Amy received from the criminal justice system thus far. Furthermore, I had naively assumed that the Supreme Court precedents we are taught during our degree would be applicable in practice. In reality, understanding the relevant procedural requirements of a criminal case would have been much more valuable, yet we do not learn this during an undergraduate degree. Therefore, I was required to quickly adapt to working practically rather than engaging in theoretical legal study, which was a substantial jump, yet a jump that I am grateful to have experienced now rather than during my training contract.

From a personal perspective, I must admit that when starting the clinic work, I found myself to be slightly judgmental towards the client we were advising because I found it incredibly difficult to look at the case from a defence perspective rather than looking for ways to endorse the conviction. The teaching of criminal law has an undeniable prosecutorial bias and we are taught to consider the most severe crime and consequent penalty before looking at any ways to reduce the defendant's liability. Legal education has a clear focus on protecting the 'victim' rather than adopting a balanced approach with equal consideration being given to both parties. Therefore, taking a defensive stance in the clinic and understanding the accused's point of view was initially challenging for me.

A different issue I faced was the availability of the facts relating to the case we needed to address. As law students, we are often given all of the information we need in order to be able to answer the question in front of us, whilst in real life this is rarely the case. In contrast, I found it incredibly frustrating when not given all of the information we required at the first instance. Therefore, having to ask for documents to be sent to us rather than having them to hand was an obstacle for me to overcome that I hadn't previously considered, nor expected.

Having practical experience and seeing the multitude of barriers to hurdle when trying to access justice, including such immense procedural failings, has sparked a social justice incentive in me that I could not have predicted. All in all, I have found the learning curve during my first two months of clinic work to be incredibly steep, and am learning more about myself than I was expecting to.

Amy's case is currently ongoing, but we have already received really positive feedback from the client, and we are continuing to work on her case.