2024 ACCLE Conference Agenda

**“Back to Basics: Defining Clinical Fundamentals”**

University of Windsor, Faculty of Law, 401 Sunset Ave, Windsor ON

Day 1 - Friday, May 24th, 2024

9:00 am – 9:45 am:

Keynote Speaker and/or Elder Welcome

9:45 am – 11:00 am:

Title: **La Formation Pratique des Juristes de Demain**

Presenters: **Djemila Carron, Sarah Fortin, Déborah Montambault-Trudelle, and Anne Thibault**

Parmi tous les cours nécessaires pour compléter un baccalauréat en droit dans les facultés de droit du Québec, il existe l’opportunité pour les étudiantes et étudiants de faire du travail clinique, sans que cela soit obligatoire dans leur cursus. Les étudiant.e.s dans une Clinique juridique ont alors la chance d’incarner et de réfléchir sur les professions juridiques en mettant en pratique des notions acquises durant leur parcours académique.

Les cliniques juridiques des universités québécoises ont pris plus d’expansion et de place dans les dernières années, et l’accès à la justice est un point fort derrière ces changements, avec la réalité que plusieurs justiciables, des personnes physiques et des personnes morales comme des OBNL, n’ont pas toujours les moyens pour accéder à une justice. L’adoption du Projet de loi 29 en 2022 a permis à la population étudiante des facultés de droit québécoises à donner du conseil juridique. Pour les universités québécoises, l’énorme vent de changement a également soulevé des discussions au sein des programmes en droit sur le rôle des Cliniques dans les universités, les liens entre théorie et formation professionnelle ainsi que la mission du baccalauréat en droit entre former à la pratique (et à quel type de pratique) et/ou à la réflexion juridique.

Cette table ronde réunit des personnes actives dans les cliniques juridiques de l'Université d’Ottawa, l’Université de Sherbrooke, l’Université du Québec à Montréal et l’Université de Montréal. Elles discuteront de la place de l’enseignement clinique dans un contexte universitaire, avec des exemples concrets des expériences québécoises, et de la manière dont les cliniques permettent de mieux former les juristes de demain.

11:00 am – 11:30 am: **Break**

11:30 am – 12:30 pm:

Title: **Mental Health Justice Clinic**

Presenters: **Tess Sheldon and Hassaan Abbasi**

Windsor Law’s Mental Health Justice Clinic acts on the unmet and intersecting legal needs of persons with mental health and addiction disabilities.  Generously funded by The Law Foundation of Ontario, the Clinic is a partnership between the University of Windsor’s Faculty of Law and the Empowerment Council, a voice for clients of mental health and addiction services, primarily of the Centre for Addiction and Mental Health.  Attendees will learn about the Clinic's work to provide student-delivered and lawyer-supervised legal services the areas of housing, family, and immigration/refugee law.

* The Clinic’s work is premised on the value of having lawyers in places where people are already accessing health and social supports. There is an increased demand for both community-embedded legal services.  According to Legal Aid Ontario’s *Mental Health Strategy* (2016), access to justice is most “meaningful” where legal services are offered on-site within community settings. Health Justice Partnerships (HJPs), like this one, are critical examples of cross-sector collaboration necessary to address social problems that no one sector can solve on its own.
* The Clinic also depends on the concept that access to justice is a social determinant of mental health. There are emergent examples of HJPs in Ontario and Canada, and all share an understanding that some health problems may be more effectively treated with legal remedies than with medical ones.  Injustice interferes with our communities’ health.
* Finally, the Clinic exposes law students to real legal issues faced by people with addiction and mental health disabilities.  This Clinic prepares law students, including law students with disabilities or who identify as Mad, to serve their future disabled clients. Students are trained to provide accessible services in a way that is both accessible and trauma informed, including conducting interviews, managing client relationships and their professional ethical obligations.

12:30 pm – 1:30 pm: **Lunch** (will be provided)

1:30 pm – 2:30 pm:

Title: **Experiences of Clinic Supervisors**

Presenters: **Gema Smyth (Sarah Buhler and Chantelle Johnson)**

Clinical legal education has a long history in Canada, with most law schools hosting at least one clinical program. Supervision of law students plays a central role in clinical legal education. Clinic supervisors act as mentors, evaluators, fundraisers, program creators, and supervisors for the purposes of client work (among other roles). Despite clinic lawyers' roles at the centre of the clinic law experience, relatively little attention has been paid to their particular experiences. This qualitative project is a collaboration between CLASSIC, a community-based legal clinic in Saskatoon and Profs. Sarah Buhler and Gemma Smyth. In this project, we investigate how clinic supervisors understand and negotiate their complex work. While clinic supervisors have quite different roles and responsibilities, key themes emerge from their experiences, including the significant emotional burden placed on supervisors, the feeling of isolation from "the rest" of the law school, and the challenges balancing client liability, service, education, and community. Clinic supervisors also experience significant compassion satisfaction in their work, playing essential roles in supporting students who often cannot find a place in law school and providing high quality service to clients and communities. The presenter will share insights from clinic supervisors, which form the basis of open-source materials for clinic supervisors. The presenter will solicit input on these materials from attendees.

2:30 pm – 3:30 pm:

Title: **Navigating Academic Accommodations in Clinical Education**

Presenter: **Katelyn Viner**

Legal clinics serve as crucial training grounds for aspiring lawyers, offering hands-on experience in serving clients. However, ensuring equal access for all students, particularly those with disabilities, presents a significant challenge. This presentation explores the ethical and practical considerations involved in accommodating diverse learners in clinical legal education.

The objectives of the presentation will be:

1. To identify challenges faced by legal clinics in accommodating diverse learners while meeting the demands of legal practice;
2. To provide an overview of the ethical obligations of legal clinics to provide equal access to experiential learning opportunities while also adhering to professional codes of conduct and practice standards;
3. To explore strategies for reconciling accommodations with the practical realities of legal practice; and
4. To emphasize the importance of collaboration and communication between learners and clinic staff to develop effective accommodation plans that uphold ethical standards.

3:30 pm – 3:45 pm: **Break**

3:45 pm – 5:00 pm:

Title: **What’s Palestine Got to Do with It?**

Presenters: **Vasanthi Venkatesh, Jillian Rogin, and Dania Majid**

As we continue to collectively bear witness to the genocidal violence perpetrated by Israel against Palestinians in Gaza, and as protests against genocide gain momentum on a global scale, this panel addresses what role legal clinics and legal clinic education might play in both educating about the sources of violence as well as taking action to stop it. In 2005, 150 Palestinian civil society organizations called for boycott, divestment, and sanctions (BDS) against Israel until it complies with international law and universal principles of human rights. The BDS movement has recently experienced significant momentum in Canada particularly in the academic context as faculty associations at the Universite de Montreal, the University of Windsor, and Wilfred Laurier University, have all recently passed BDS motions. This panel will provide an overview of why this issue is relevant to legal clinic work as well as legal clinic education, an introduction to BDS, and a review of the process to take action including a review of the motion that was passed by the Windsor University Faculty Association (WUFA).

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Day 2 – Saturday, May 25th, 2024

9:00 am – 10:15 am:

Title: **The Interdisciplinary Approach: Student Experiential Learning and Different Areas of Law**

Presenters: **Claire Allsop, Amanda Pierce, Tori-Lee Jenkins, David Pitawanakwat, and Hajar Tohme**

Practitioners at Legal Assistance of Windsor (LAW) will provide a panel presentation/discussion on the Interdisciplinary Approach they take at their clinic.

Claire Allsop and Amanda Pierce: The discussion will centre on gender-based violence and intimate partner violence and how these issues can be present in any area of law. They will address the importance of providing trauma informed care to clients, as well as the importance of taking care of yourself as a service provider to reduce vicarious trauma. Lastly, they will talk about how gender-based violence and intimate partner violence often require an interdisciplinary approach, sometimes utilising services and resources outside of the law to best serve the clients.

Tori-Lee Jenkins: The discussion will centre on overall trends in housing law, particularly as they relate to observations centred on the current housing crisis in Ontario. She will talk about advocacy skills and the importance of refining these skills as part of student experiential learning.

David Pitawanakwat: The discussion will centre on LAW’s Indigenous Justice Clinic (IJC) program, which aims to familiarize students with Indigenous worldviews and equip them to engage with clients in a culturally humble manner. Through internal processes, community engagement, and weekly discussions, students gain insights into current issues, historical jurisprudence, and ways to support Urban Indigenous communities beyond their time here.

Hajar Tohme: The discussion will centre on trends in public benefit programs, particularly as they relate to advocacy surrounding the issue of accessing medical services in Ontario. She will also discuss the importance of student experiential learning being trauma-informed when serving clients who have disabilities.

The focus of the presentation is to highlight the intersectionalities related to various areas of law. As well, the presentation will consider the advantages of experiential learning as explored through an interdisciplinary lens and using trauma informed strategy.

10:15 am – 10:45 am: **Break**

10:45 am – 11:45 am:

Title: **Student Evaluation – Roundtable Discussion**

Presenter: **Peter Duke**

2-4 of the staff lawyers Dalhousie Legal Aid Service will have a discussion about how they do student evaluation in their clinic. The discussion will include information about what they think they do well, and areas for improvement. They are sure there will be some robust discussion about evaluations. They have 6 areas of formal evaluation, as well as  meeting with students for goal setting and evaluation throughout the term.

11:45 am – 12:45 pm:

Title: **Dilemmas of Renoviction Defense**

Presenters: **Mark Culligan and Jess Simm**

The practice of renoviction, wherein landlords use renovations as a pretext to evict tenants, has become endemic in the low-income neighborhoods of Halifax, Nova Scotia. The purpose of this presentation is to share some of the recent experiences of the Dalhousie Legal Aid Service’s social justice team in fighting wrongful renovictions. The presentation will focus on case management, ethical, and strategic problems encountered in this work as well as the possibilities for student learning that emerge from it. The presenters will argue that group renoviction cases offer a rich learning experience that confronts students with the practical limits of the law, provides students with an opportunity to hone hard skills, and exposes future lawyers to living conditions that may be unfamiliar.

The presentation will include the following:

1. Housing Context: Discuss how the conditions of the rental market in Halifax have evolved to encourage the spread of renovictions.
2. Legal Framework: Discuss the development of the legal framework for renoviction in Nova Scotia since the pandemic.
3. Case Studies: Present case studies illustrating real-world ethical and practice dilemmas ingroup renoviction defense, highlighting key lessons learned and successful strategies employed.
4. Practice Challenges: Examine practical challenges encountered by legal professionals in group renoviction defense, such as coordinating strategies among diverse clients, managing client expectations, navigating complex procedural rules, and communicating settlement offers.
5. Ethical Considerations: Discuss the ethical dilemmas inherent in representing groups of tenants facing renoviction, such as conflicts of interest, confidentiality concerns, and balancing the interests of individual clients versus the collective group.
6. Strategic Considerations: Examine the impact of our interventions on the strategic landscape of renoviction.
7. Strategies for Ethical Practice: Offer practical strategies and best practices for legal practitioners to navigate ethical challenges effectively while representing clients in group renoviction defense proceedings.
8. Q&A Session: Worshop with the audience on how best to fight renovictions while respecting clients’ interests and teaching students.

12:45 pm – 1:45 pm: **Lunch** (will be provided)

1:45 pm – 2:15 pm:

Title: **Cy Pres Awards**

Presenter: **Andrew Eckart**

Clinics consistently face funding related issues. Increased costs and decreased funding means that new and important initiatives don’t get off the ground or meaningfully paid student employment opportunities are too limited. Could a cy-près award in a class action be a viable funding source for clinics?

In some class action settlements, money that cannot be distributed to class members may instead be awarded to an organization whose work can reasonably be expected to benefit the class directly or indirectly. These types of awards are known as a “cy-près” awards and have been ordered in a variety of cases to a variety of recipients.

In Ontario, recent changes to the Class Proceedings Act, 1992, specifically allow such awards to be granted where the court is satisfied that it is not practical or possible to compensate the class members directly. Where no designated entity is selected, the funds go to Legal Aid Ontario instead.

Since its inception in 2019, the Class Action Clinic at Windsor Law has benefited from two cy-près awards totalling over $3 million. These funds provide the operational funding of the Clinic, including staff lawyer salaries and costs, summer student wages, and, beginning in August 2024, an articling student.

In this presentation, Andrew will provide an overview of what cy-près awards are, in what circumstances they are awarded, and who some historical recipients have been. He will provide some guidance on how clinics may pitch themselves as appropriate recipients of such awards. Finally, he’ll highlight a few cases that are currently proceeding in which a clinic-based cy-près recipient may be appropriate.

2:15 pm – 3:15 pm:

Title: **Building a Legal Clinic with Healing Justice and Transformative Justice at the Centre**

Presenters: **Colin Wood, Jessica Gadea Hawkins, and Khalid Janmohamed**

The presenters are the inaugural director (Janmohamed) and staff lawyers (Gadea Hawkins, Wood) at a new Student Legal Services Organization (SLSO) at the Lincoln Alexander School of Law, Toronto Metropolitan University, which launched in September 2023. Our legal clinic puts the frameworks of healing justice, transformative justice, and abolition at the center of our approach to clinical practice and pedagogy.

Healing justice is a political strategy that emerged in the U.S. South that takes seriously the impacts of violence and oppression on communities and provides a framework for interrupting and transforming trauma (including, in particular, intergenerational and historical trauma) throughout movement spaces. Healing justice recognizes that these lived realities operate alongside and through law and other expressions of power. Practicing healing justice means understanding the ways in which these realities reverberate through our lives, our clients’ lives, the communities in which we live and work, and the cases and projects we work on. It also means working to build communities of care and resistance in response to systems of oppression and toward the well being and sustainability of movement and social justice work.

Integral to a healing justice practice is centering transformative justice and abolition. We recognize and name the oppression that is enacted on our clients through systems like underfunded social assistance programs, the punitive and carceral criminal legal system, housing structures that prioritize private property, and status quo preserving administrative tribunals and civil courts. We understand justice as healing these wounds and by reimagining the structures we use to relate to each other as we address socio-legal issues. While providing direct services to clients navigating the established (and frequently oppressive) systems of law and social policy, we contemporaneously look for ways in which we might interrupt harm and seek to offer our students the tools to continue to do so as they enter legal practice. These frameworks thread through our approach to client work, how we allocate our clinic’s energies and resources, our employment frameworks, our pedagogical approaches, and our supervision of students.

We propose to introduce our new legal clinic to the ACCLE community and will present the early stages of a scholarly article we are drafting which will explain the choice of healing justice, transformative justice, and abolition as the foundations for building a new legal clinic. We plan to reflect on the early experiences and challenges of doing so, and, we hope, offer a thoughtful contribution that may be meaningful for other clinics that may be interested in one or more of our approaches.

3:15 pm – 3:30 pm: **Break**

3:30 pm – 4:00 pm

Title: **Facilitated Discission on Topics in Clinical Legal Education**

Facilitator: **Ted Murray**

This “show and tell” style facilitated discussion is meant to allow ACCLE members to learn from one another and show off some of the things they are proud of from their respective clinics.

Ted will start us off by telling us about 2 specific approaches he takes at his clinic around the idea of metacognition. Including requiring students to keep a “TIL” (today I learnt) file, where they record every legal “thing” – procedural or substantive – that they learn in a word document, and requiring students to “rate their oatmeal”, from 1 (ice cold) to 5 (ow, I just burnt my mouth), to assess how their feeling about their workload/productivity.

Other ACCLE members will then be encouraged to share anything their particularly proud of from their clinics. Allowing us to learn and grow with one another.

4:00 pm – 5:00 pm: **ACCLE’s Annual General Meeting**