

COMMUNITY SERVICE AND SERVICE LEARNING

REPORT: FACULTY OF LAW

FIRST SEMESTER 2012

SECTION A: THE ROLE OF THE UNIVERSITY OF THE FREE STATE LAW CLINIC IN THE PROVISION OF COMMUNITY SERVICE AND SERVICE LEARNING:

1. HISTORICAL OVERVIEW OF THE UFS LAW CLINIC

- Established late 1980's on initiative of members of staff, Faculty of Law and senior law students;
- Initially conducted as advice office where senior law students advised economically impoverished members of local community on legal problems experienced;
- Operated for a number of years in co-operation with Legal Aid South Africa (LASA) (formerly known as 'The Legal Aid Board') from the same offices;
- Co-operation with LASA terminated on 1 March 2007;
- Since 2007 the law clinic is conducted independently as a Faculty Centre, still resorting under the Department of Procedural Law and Law of Evidence;
- Currently operates from the premises in the central business area of Bloemfontein, namely 142 Zastron Street.

2. LEGISLATIVE FRAMEWORK

CURRENT

The **Attorneys Act, Act 53 of 1979** read together with **Rule 20A of the Rules of the Free State Law Society**:

A law clinic for purposes of the Act is:

- **Either a centre for the practical legal education of students in the faculty of law at a university** in the Republic, **OR**
- A law centre controlled by a non-profit making organisation which provides legal services to the public free of charge.
- A **law clinic must provide legal services** to the public but such services may be rendered only to persons who are not otherwise able to afford them.

FUTURE:

Section 1 of the Legal Practice Bill defines a "law clinic" as:

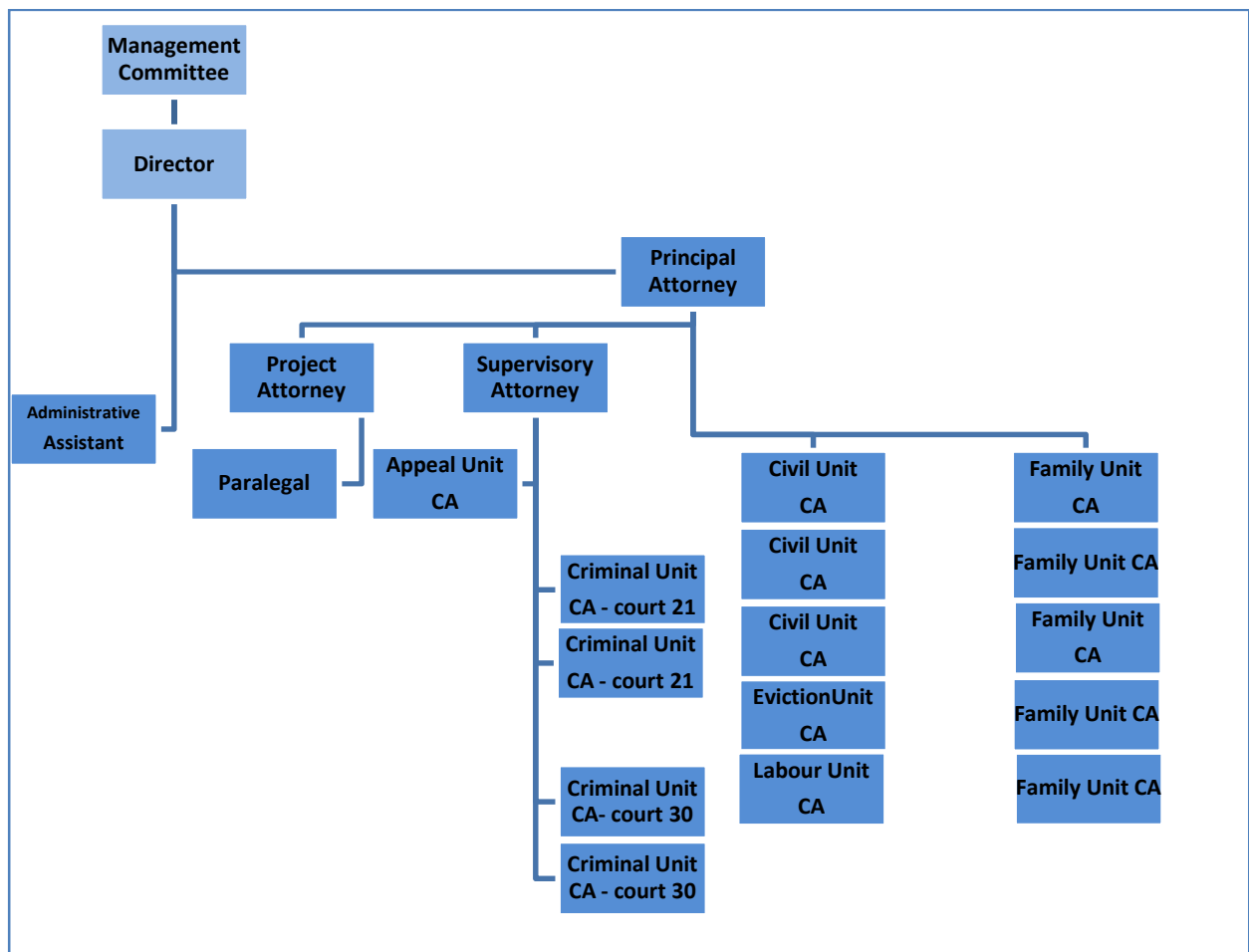
- **Either a centre for the practical legal education of students in the faculty of law at a university** in the Republic; **OR**
- A law centre controlled by, or which is, a non-profit making organisation,
- which, subject to section 34(8), **provides legal services to the public free of charge.**

3. AIMS AND OBJECTIVES OF THE UFS LAW CLINIC

- To provide **free legal advice and services** to people who are deemed to be indigent in terms of such criteria as may from time to time be determined or approved by the Councils of the Law Society of the Free State and the Free State Bar Council (hereinafter referred to as “the Councils of the organised profession”); and
- To provide **practical legal training** to Final year LL.B students of the Faculty of Law, University of the Free State;
- To collaborate and co-operate with all stakeholders regarding socio-economic and legal issues in order to **create general access to justice** for the community that the UFS law clinic serves;
- To align all programmes and activities of the UFS law clinic with the University of the Free State’s declared policy of **community service and service learning**;
- To **engage with the community** in terms of which the community will benefit on the one side, **and** on the other side, to **equip students for practice and responsible South African citizenship**.

4. ORGANISATIONAL CHART OF THE UFS LAW CLINIC

4.1 2010/2011



4.2 2012/2013

Compulsory services according to Attorneys Act and Rules of Law Society – marked in BLUE; Optional services according to Attorneys Act and Rules of Law Society – marked in PINK



* Please take note that vocational training is compulsory in terms of the Legal Practice Bill for all legal practitioners.

Please take note that Legal Practice primarily resorts under the Department of Procedural Law and Law of Evidence, however all other forms of legal training resort inter-departmental within the Faculty of Law.

SECTION B: OVERVIEW OF COMMUNITY SERVICE AND SERVICE LEARNING

1. OVERVIEW OF LEGAL SERVICES

- On 31 March 2012 the contract between the Department of Justice and Constitutional Development and the various University Law* Clinics ended. The ending of the project caused the Law Clinic to limit the number of intake of clients with effect from 1 January 2012;
- Since January 2012 the law clinic does not accept any new civil clients in light of the uncertainty pertaining to the renewal of the DOJ & CD National Youth Support Programme. All candidate attorneys and attorneys currently employed at the law clinic received remuneration from the external funding provided by this programme;
- The law clinic is still the sole provider of free legal assistance in court 21 (court for illegal immigrants) and court 30 (domestic violence court);
- The overview of the extent of legal services provided during the past two years in terms of the DOJ&CD project is summarized in **Annexure B** attached hereto.

2. OVERVIEW OF COMMUNITY SERVICE LEARNING

Please refer to **Annexure C** attached hereto for an overview of the community service learning projects conducted during 2010 and 2011. The said overview serves as a basis for the projects to be concluded during 2012.

- Currently community service learning forms part of the following modules, namely: BWR224 (Law of Evidence); RPK412 and RPK422 (Legal Practice);
- The law clinic is responsible for the facilitation of community service learning at the Faculty of Law with no additional cost implications to the law clinic;
- During the first semester of 2011, one group of students enrolled for BWR224 during 2010 finalised their project. The group conducted a needs analysis at the Tshepong Victim Crisis Centre regarding the needs of applicants seeking protection orders. One of the identified needs was the erection of a board at the entrance of the centre that will provide members of the community with directions to the centre. The students raised funds and caused this board to be erected at the centre. The students further devised an information leaflet that could be used for first-time visitors to the centre. The leaflet explains the process of application for a protection order.
- Students partaking in CSL in the module RPK412 planned their project and will present said project during the first part of the second semester of 2012.
- The law clinic will during the second semester (upon approval received from Student affairs) include a service learning part in the modules RPK122 as well as RPK322. The project is explained in **Annexure F** attached hereto. This will be the first time that a CSL component is included in these modules.



3. OVERVIEW OF FREE STATE ACCESS TO JUSTICE CLUSTER PROJECT

Please refer to **Annexure D** attached hereto.

- The law clinic acts as secretariat of the FSAJC project;
- In terms of this project the law clinic provides training and support legal services to community based paralegal offices in the Free State;
- The project is funded by Atlantic Philanthropies through the AULAI Trust, however funding received for the continuation of the project in 2012 has been limited to R100 000.00 as opposed to nearly R400 000.00 received in 2011;
- From 2012 the funder does not provide for remuneration of personnel involved in the project;
- As of yet, no funding were received for the project to commence in 2012. The law clinic will proceed with the FSAJC programme as soon as the funds are received.

4. OVERVIEW OF CANDIDATE ATTORNEY TRAINING PROJECT

Please refer to **Annexure E** attached hereto.

- All candidate attorneys employed at the law clinic since 2007 received a monthly stipend from the funding provided by the Department of Justice and Constitutional Development;
- All university law clinics that formed part of the project the past 4 years are awaiting a reply from the Department of Justice on whether or not the project will be renewed.

IN SUMMATION:

- The provision of legal services as a form of community service is seriously hampered by the uncertainty experienced with the renewal of the DOJ&CD project. Should the situation persist, the law clinic will have to operate solely as a training provider to law students.
- Community service learning will proceed during the second semester of 2012.
- The law clinic is currently planning to formulate its community service learning projects during the second semester on the basis as set out in Annexure F attached hereto.
- The CSL project in the course RPK412 will be finalised during the first part of the second semester.

For any further information, please do not hesitate to contact the UFS Law Clinic

Kind regards

Inez Bezuidenhout

20 June 2012