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INTERVIEWER: Hello, and welcome back to the Student Hub Live open justice event for the OU law school. In this session, we're going to be taking a look at what it's like to give mock advice. And so we are joined by Emma Jones from the module team. Lydia, who is a student. And Tamzin, who is a tutor.

We've got three things to talk about. And we're going to go through and sort of see what it's like giving some of this advice. And, Lydia, you're going to fill us in on things from a student perspective. And, Tamzin, you're going to talk a little bit about the supportive nature and supervision that goes on, that Hugh and Francine were telling us about a bit earlier.

Now I'm really interested these issues. Because these are things that I was wondering about myself. So we've got three case studies that we're going to go through. And you will see that there are some widgets-- interactive tools-- that will appear on your screen.

Now we're putting them all up for now so that you can have a look at those. But they will apply to the case studies. So if, for example, you don't know about do you think Cathy could get her money back-- yes, no, or not sure-- we're going to be filling you in on those. But they're all there in the watch and engage option.

Now if you aren't in the watch and engage option, and you would like to be, you can revisit the website-- studenthublive.kmi.open.ac.uk-- click on watch and engage, and log in with your student or staff details. And then you can then see the chat and engage with the interactive widgets.

You're quite welcome to watch just also. And this will be available on catch up at a later date. So if you aren't able to engage with us in real time, other people have been, and we will show you what they think in terms of our mock advice session.

Right. So we've got three case studies that we're going to talk about today. And, Emma, I wonder, first-- before we start looking at the case studies-- you can just sort of fill us in a bit on the clinic and how it will work.

EMMA JONES: Yes. So I think one of the great things about the open justice clinic is that it is going to be online. And that means it doesn't matter where people are in the UK, or abroad. If they need

advice relating to English and Welsh law then, you know, this is the place that they can come to access it, at least as a starting point.

So they will be accessing it via the open justice website, which Francene and Hugh talked about earlier. And there will be a form for them to fill in on that. And then it will be taken from there. And, at this moment, we're going to be giving advice only. We're not going to be taking on entire cases and seeing them through, things like that.

Obviously, we're hoping to grow and build on what we-- but we are going to start with advice only, and the topics that we're really going to be focusing on-- contract law, tort law, and consumer law.

INTERVIEWER: Excellent. And we've got three case studies here. So these might be the sorts of things that people might then e-mail you in about. And then, I guess, these get delegated out to a student and tutor who'd work on the problem?

EMMA JONES: That's right. I think Lydia is going to explain a little bit about how that was going to work.

LYDIA: Yes. Basically, when we get the question, we get via an online form, which we receive as a group of students. Then we work together on this question to research it. We ask relevant questions of the client. We set up a client meeting. And then we deliver the advice, which is checked and signed off by one of the tutors, who is a qualified solicitor.

INTERVIEWER: Lovely. And Tamzin, you are one of these qualified tutors?

TAMZIN: I am, yes, and very much looking forward to it. I think it would be excellent for the students. This is just the sort of practise that they need in identifying issues, understanding how important things are to people, even if they may not seem to be the sort of big money things that students have read about in all their cases.

They'll really see law as it works in everyday life. And it will be very useful. And it will be providing something of real use to the people who send in their inquiries. So I think it will be an excellent process altogether.

INTERVIEWER: So let's talk about how it works then, shall we? Shall we start with the case of Cathy? So we've got this case. And this might be something that would come through on one of these forms. Cathy bought a toaster on the 22nd of March from an electricity store. She went into the shop to look at toasters, and she purchased one for 30 pounds.

After about five days, the toaster stopped working. So she phoned the store on the 30th of March to tell them what had happened. She told them she would like her money back. They said they couldn't help. And she needed to contact the manufacturer and they would sort it out.

So the question that we'd like you to vote on at home while we're talking is, do you think Cathy can get her money back? Yes, no, or we need more information. Lydia, how might this then play out?

LYDIA: Well, we do need more information. We would need to find out whether Cathy has a receipt; how she paid for the toaster; very importantly, why the toaster broke. And we would set up a client meeting online. And we would ask the relevant questions, which we would then go away, research, write the letter of advice-- which would be checked, as I said before, and signed off by a tutor.

INTERVIEWER: Lovely. And, Tamzin, what might then happen if this was coming to the tutor?

TAMZIN: Well, this would be a very practical exercise for the students, because this-- you know, the outlay for the toaster might be quite significant for the person who's-- you know, a lot of people are on very tight budgets. But, of course, it's nothing like the sort of issue that can go before a court.

But, nonetheless, we want to see law working in action. And so we would make sure that they were advised correctly of their rights. It's very common for stores to try and say, oh, go to the manufacturer. And this is quite wrong. They are the person who has sold to the purchaser. It's natural contract. It's for them to put it right, using the Consumer Rights Act, 2015.

And so we would work with the students as to how this applied. And then they should be able to advise the inquirer as to the best thing to do-- often, to go back and talk to the store. Very often, if you show that you do know your rights, and you sort of ply them firmly, but perfectly politely, there should be no problem at all.

So it would be a very good-- we could certainly help the inquirer. And it would be a very good learning experience for the students, not only in law, but in how significant it can be to somebody who can't use the courts, obviously, and how to go about in applying the law. I think I'll say, apply the law, rather than enforce the law. Because that's not always helpful. So I think

it could be very useful.

INTERVIEWER: You make some really interesting points there. And one of them is, you talked about how people might use this, which I think is really interesting. Because whilst you've got the law, and there is clearly a right or wrong answer to certain things-- depending, of course, on what the circumstances are-- barging into a store and saying, I know that blah blah blah can always not be the best approach. So how do you encourage students to balance this with combining the academic information with maybe the right approach?

TAMZIN: Well, I mean, this is the beauty of this module, actually. Because it's no good just having pure legal knowledge. You've got to know how it actually works in real life. And this is something that can be applied in lots of different modules. But here, in particular, it's about being clear-- what does the law say?

And, of course, these days it's very easy to get access to accurate law. We can find the legislation. We can point it out. Students can take it, or show it to the inquirer, who can then-- the customer take it back to the store. Very easy to show them-- point to the actual section on your smartphone or laptop or whatever it is.

And so it can be sort of just quietly, but clearly-- I say-- enforced. Yes, going in and shouting and screaming just gets people's backs up. And people then don't want to be seen to be wrong. But if it's, oh, well, look. Have you looked at this act? Here it is.

Being certain that I'm not going to back down, because I know I'm right-- but in a measured way-- can be an excellent way of actually using the law and sorting out a problem for that particular person.

And it's a message, as well, for the store as to how they have to go about managing goods that they sell which do have problems.

INTERVIEWER: What about the timing, then, in terms of how long people have to act on any of these things?

TAMZIN: Oh, that is an important question. Because it's 30 days. After that, if something has gone wrong after the 30 days, then the store does have the right to try and repair it, rather than automatically giving the money back.

But, of course, goods are made quite differently these days. And sort of repairing is not very common with an awful lot of goods. So it may be that the customer can have a refund,

because it would be far too expensive to repair.

So the situation does depend a little bit on the timing. And, as Lydia said, more information was needed initially as to, well, when was it bought? I think we knew that, actually, didn't we? When did it go wrong? What was the nature of the fault? And this all will help the students to give a much fuller piece of advice to the customer or the inquirer.

INTERVIEWER: I mean, Stuart wants to know, what if Cathy was trying to toast unsuitable items and broke the toaster? I mean, is there something in here about what people can do with things. Because, yeah, all sorts of times, you know, you'll go in and ask people the right questions, but maybe there are other questions as well that could come into play?

TAMZIN: Yes. And, I mean, that's a marvellous lesson for students to learn. You have to find, sometimes, information that your client-- inquirer-- didn't realise was relevant. I mean, if, in fact, they were trying to dry a pair of old shoes that had got too wet-- well, that's no way to use a toaster. And the store owner wouldn't have a liability, because you're not using it for purpose.

An item has to be fit for purpose. So it has to be fit for toasting things, rather than being used as some obscure kind of drier.

INTERVIEWER: Well, I've heard of someone complaining about a pyrolytic cleaning oven not working because they were trying to cremate one of their pets. So, again, an important question that wasn't really related to the purpose.

OK. So you were talking about refunds or repairs and things around that. But sometimes people might be entitled to a partial refund. I mean, there are all these questions that sort of change the status of what people might be entitled to. So when might they then be entitled to a partial refund, instead of a repair or replacement?

TAMZIN: Well, it might be a partial refund if the item-- the toaster-- had broken down after quite a long period of time. It hadn't been used-- not badly, but not completely correctly. Or it might be that something could be repaired and another part can't. So it very much depends on the circumstances. Very much so. Again, that's a good point-- more information, more information.

INTERVIEWER: So this very simple problem has actually turned out to be very, very complex. What sort of support is there for students going through this. I mean, Lydia, I can imagine, that all of these questions would then involve an awful lot of research and work. And, you know, it's about a

thorough case consultation, as well, to make sure that you're getting the right information so that you don't go off down the wrong track before you find something else that completely changes the circumstances.

LYDIA: It certainly does. And it's a wonderful way of applying what we have learned, because we study in W-203 Tort and Contract Law. And just studying the law in a very dry way is absolutely no use, if it can't apply to a real-life situation. And the support would be there from the tutors, and from within the group, from other students.

And it's very, very important to be able to understand that the law is a very flexible, very moving thing, that doesn't apply in the same way. And it does very much depend on the circumstances of the case. So, again, the research and finding out the relevant information is very important.

INTERVIEWER: OK, well, let's take our second example then, shall we? Which is about Ralph, and this relates to our jeans. So Ralph bought a pair of jeans online from a well-known retailer. He tried them on when they arrived, but decided that they didn't suit him.

Can he send them back or get a refund? There's nothing wrong with the jeans. He just doesn't like them. So we have a widget here that we'd like you to let us know what you think. Do you think people buying goods online are poorly protected, have some protection, et cetera?

Oh, by the way, as well-- sorry-- we did take note of Cathy's reply, and that was changing quite dramatically as we were going through that last session, whereby about half the people, I think, towards the end, thought that she did deserve her money back. And half the people thought that they needed more information. So, just for the record, what was the right answer then for that last one, for Cathy with her toaster?

TAMZIN: I think, probably yes on the facts we were given. But you'd have to check that there weren't more facts we hadn't been given. So I'm afraid that's a real lawyer's reply.

[LAUGHTER]

INTERVIEWER: OK. Well, let's see if things are more clear cut with buying online because, again, here, the circumstances really are going to change. So, Emma, what is interesting about this question?

EMMA JONES: I think the interesting thing here is that there's actually nothing wrong with the jeans. Ralph just doesn't want them anymore or doesn't like them. And a lot of people think, if you go into a

shop and buy something, and you don't like it when you bring it home, that you're entitled to just take it back and get a refund. And that's not actually the case. Now a lot of shops will do that for you as a kind of goodwill gesture, because to keep your custom. But, legally, they don't have to do that.

But the good news for Ralph is, the position is different if you're buying online. There's a piece of legislation called the Consumer Contract Regulations, 2013. And, basically, what they say is if you buy something online, or by mail order, or by telephone, you can return it and get a refund within 14 days of it being delivered.

And that doesn't matter if it's faulty or not. It can just be because you don't like it. You can send it back. And I think the reason for that is, when you buy online, or in a catalogue or so on, you're looking at something-- a small picture, a little bit of a description-- it's very hard to know what you're actually going to get at the end of the day.

So the law's kind of recognised that, and given that extra protection for people buying online. So what Ralph would need to do, fairly quickly, is contact the retailer; tell him he's going to be sending the jeans back; get them sent back to the retailer; and then the retailer will have 14 days to refund him the money that he's paid.

INTERVIEWER: OK. But he sends them back. I mean, who, then, is liable for the postage?

EMMA JONES: If it's because he just doesn't like the jeans, then he is going to be liable for the postage legally. But it may well be the case that often you find, when you buy online, retailers will give you, say, an address label. And they will let you return it. And they do that, again, as a bit of a goodwill gesture.

If he is posting them back, the key thing is for him to get some proof of postage so he can show if they get lost in the post-- look, I did this. And you can ask for that free at a post office.

INTERVIEWER: So it doesn't necessarily need to be recorded delivery, or one of the more expensive options, as long as it's sent back with some sort of proof?

EMMA JONES: Yeah, as I said, it's free at the post office. You just have to say, could I have a proof of postage? And he'd have his bit of paper. It's just a case of keeping that safe. So if anything goes wrong, he's got that proof there.

INTERVIEWER: Excellent. Some really good advice there. So how will students then-- I mean, with that sort of

thing there, what would students benefit in terms of this sort of case, Lydia?

LYDIA: I think it's really, once again, the application of the law to a real-life scenario, and the working group working together, and receiving advice as it happens, live, on a real case. Because we do live in the real world. And the law does operate in the real world. So it's those kind of skills, of applying the law.

INTERVIEWER: And Tamzin?

TAMZIN: Yes. Well, one of the big things is going to be time-- time lines. They are going to learn quickly about deadlines-- which, actually, run right through life, and certainly any legal practise. If students are going to go on and want to be legal practitioners, say, that is a really important lesson that comes for them from there.

And the fact that, again, you know, the circumstances, that you have to take into account the fact, they were fine, the jeans. But he does have this right, and that's because it's online. Isolating the facts-- but, also, I think, one of the biggest messages-- time.

INTERVIEWER: Is this a lot more clear cut, then, because there are less potential variables? I mean, if we know it's online, there seems to be very different parameters for what the options might be, compared to the toaster-- where there were all sorts of unknowns that we needed to find out more about. Are some cases easier than others?

TAMZIN: Well, they certainly are. Some cases are definitely easier than others. Well, I think the easiest fact about that was that there's nothing wrong with the jeans. You know, it's not a question of, what was wrong? When did it go wrong? Whose fault was it? No, no, he just doesn't like them. So that's very straightforward. Just doesn't like them, just wants his money back. Really straightforward, all together. So that makes it quite to the point.

INTERVIEWER: Excellent. Well, we're going to look at a third scenario, this time with Ralph again, who's now on his travels. So he's booked a flight from London to Paris. The flight was due to take off at 3:30, but was delayed for 3 and 1/2 hours. I've been in this position. So he wants to know if he can get compensation.

And I imagine this would be a very common thing that might come through. So we'd like to know-- oh, bless you! I know, we're all full of colds here today. So we'd like to know whether you think Ralph can claim compensation from the airline. Again-- yes, no, or we need more

information. So Lydia, how might you approach something like this from a student's perspective, in terms of the airline?

LYDIA:

Once again, find out more information, and find out-- well, we know that he has been delayed for about 3 and 1/2 hours. And we know that if there was a delay of more than two hours, he will receive food and drink from the airline. He will receive the right to communicate via e-mails or phone calls. And if he's delayed overnight, accommodation and travel to and from-- between the airport and accommodation-- the hotel.

And he will receive this in the form of vouchers, which he will then use at the airport or at a hotel to pay for the item that he is purchasing. If he should, in the first instance, try and contact somebody from the airline to resolve-- to obtain his vouchers, to resolve his problem-- if he cannot, then he would be able to book his own accommodation, make his own purchases, and then try and claim back from the airline later on.

Very important point to note is that the airline will only refund reasonable expenses, so no expensive meals, no alcohol, no expensive hotels.

INTERVIEWER:

OK, well let's say, before we give away too much more, what our audience have said, sort of from an initial perspective. So we asked you whether you thought that Ralph could claim compensation from the airline-- yes, no, or need more information. Let's see what you have to say.

OK, so 83% are saying yes. And nobody says we need more information. And the remainder are saying no. Was that what you would have expected?

EMMA JONES:

Yep. I think the 83% were right, actually. Because, as well, as Lydia said, actually, there, at that moment, you have the right to food and drink and so on. Also, you'd be able to claim compensation afterwards, generally, for the delay-- that is, providing that it is the airline's fault.

So, for example, if they've not had enough bookings, or if they've got a technical fault with that plane, we would need to check that. Because if it was, say, due to adverse weather conditions-- they're outside the airline's control-- then, in that sort of situation, you wouldn't be able to get compensation.

But assuming it's in the airline's control, you would get some compensation. And that would depend on the length of the journey, the length of the delay, and it also depends what airport you're flying to and from, whether they're EU destinations or not. They all influence the actual

amount that you can get.

INTERVIEWER: Yes, they are very clever. But they have also been listening, because it was 50-50 very early on. So I think listening and learning and, hopefully, finding this very useful is what it's all about. So, again, there's this whole issue of liability that's coming in in terms of where there might be cause for that. But, again, you know, many airlines-- and, indeed, shops-- will try and keep consumers happy, and sort of try and achieve some middle ground.

So lots of questions like this at the clinic. You're obviously going to be giving them the legal advice and also, I guess, in terms of how to tackle it. So one thing I'd like to know, in terms of that, is how do you then deal with combining those two things together-- the information-- going back to that point we were raising earlier, as well-- especially, for example, if you've got a plane where it may be unclear where the liability actually lies.

TAMZIN: You just have to ask lots of questions. And that's very important skill for anybody who's working in the law. You've got to ask a lot of questions. Maybe your inquirer is going to have to go back and ask more questions themselves. It's a very good lesson to know that, well, as much information, as many facts as possible, have to be found out.

Maybe some good lessons about learning how to find them out. But that-- learning not just take at face value what you're told, but to really examine it and interrogate it, is a really important skill. And it's absolutely essential if you're going to give advice that is correct and helpful.

EMMA JONES: But I think that ties into the fact that students aren't going to be giving advice on the spot, while they're interviewing a client. They're going to have the chance to go away and research all this, and think about the legal and the practical implications, as well, for the client.

Because one of the things it's OK to do when you're working in an advice clinic, when you're practicing as a solicitor, is to say, I'm not sure of the answer yet. I'm going to go away and research that.

And it's much better to do that, and manage the clients' expectations, than to say something off the top of your head, and then find out more information, or go away and read the law and realise something's changed, and you've actually said something that's inaccurate to the client.

INTERVIEWER: And, Lydia, just to finally close then-- so these forms are coming in to you, you're going and seeking information. Physically, then, how does that work? Do you e-mail the clients back all of this information? How do you ask the questions and gather everything together so that you can go away and construct things?

LYDIA: We wouldn't meet the client personally, so we will be working via e-mail and in online meeting rooms. And one of the things I wanted to mention from earlier was, one of the skills that, I think, every law student would hope to develop, would be that of interviewing a client, that of dealing with a client in the right way. And, as Tamzin said, finding out information.

INTERVIEWER: And, of course, you know, increasingly, even if we are in a face-to-face setting, we are using technologies and Skype, et cetera. So I can imagine that will be perfectly in situ with legal practise anyway.

TAMZIN: Oh, completely. Yes, definitely.

INTERVIEWER: Wonderful. Thank you so much for filling us in on all of that. You've given us a really good idea about the sorts of things that people might be able to go for advice for. And, again, it's all about raising awareness. Because so many people wouldn't be aware that they could both have access to these, or indeed do much about them.

So thank you. Thank you all for joining me in the session today. Right. That concludes this session. We're now going to have a video, which is, Things I Wish I'd Known When I Was Studying Law.

And then Emma and Francine are going to be coming and talking through some legal skills, along with Maria from the Careers Advisory Service. So join us in about five minutes for that next session.

[MUSIC PLAYING]