



Provincial Court judges lead Criminal Law Clinic for 50 years

Fifty years ago the late Provincial Court Judge Jack McGivern started a clinical criminal law program at the University of British Columbia's Peter A. Allard School of Law. It provided an opportunity each year for 16 law students to be trained by experienced criminal lawyers, both defence and Crown counsel, and to conduct criminal trials and sentencings in the Provincial Court at 222 Main Street, Vancouver, where Judge McGivern presided.

Offered since 1974, this highly successful course has given countless students their first real exposure to the practice of criminal law, and many have gone on to become respected defence lawyers and Crown prosecutors after they were "called to the Bar" (became lawyers through certification by the Law Society of BC).

Judge Nancy Adams has been the adjunct professor for the course for several years, succeeding Judge Joseph Galati, who took over when Judge McGivern retired from the Court. Before becoming the course instructor, Judge Galati had participated in the clinic, not only as a student but also as a supervising lawyer.

From that unique perspective, Judge Galati commented, "Of particular value is the fact that both defence and prosecution perspectives are discussed and debated in virtually every case after it has been completed. The students learn experientially but also from the critiques and comments of their fellow students, supervising lawyers and judges. They come away with a thorough and rounded understanding of best practices in criminal litigation."

The Criminal Law Clinic is a six credit course offered in the second term each year, from January through April. The aim of the course is to teach basic familiarity with the skills required for the practice of criminal law. Since these skills can be transferred to any type of litigation and the students find the training they receive invaluable, the course is very popular.

Experienced criminal lawyers volunteer their time and act as principals to the successful student applicants. The students are required to obtain Temporary Articles from the Law Society of British Columbia and are subject to its Code of Professional Conduct as well as to the provincial *Legal Profession Act*. They are, of course, also subject to the direct supervision of their principals. Preparation for each year's course begins in September with an orientation session in which the successful student applicants are paired up with lawyers. Their applications for Temporary Articles are completed and sent to the Law Society.

Then supervising lawyers start identifying suitable cases for their students to handle and they schedule trials or guilty pleas for the upcoming term. Generally, each lawyer takes on two

students who are encouraged to work together in the preparation of their cases. If students do not have a matter set for a particular week they attend court as observers. Lawyers attend court with their students to supervise their conduct of trials and guilty pleas. The lawyers often invite their students to attend, and sometimes to participate in, some of their other cases.



Classes are held on a weekday evening. Students are required to attend every week and generally all the supervising lawyers attend. During a class, all the cases students have conducted in the last week are debriefed. Three or more Provincial Court judges usually attend to participate in discussions that invariably touch on ethical issues and strategy as well as procedure, evidence and substantive law.

Judge Adams says she always looks forward to the weekly class where students, counsel and judges enthusiastically discuss and debate issues that flow from the work in the clinic. She adds, "It is a unique, animating and lively learning opportunity for all participants, no matter what stage they are at in the practice of law."

[Criminal Law Clinic](#) (Peter A. Allard School of Law)

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