



TRANSACTIONAL LAW CLINIC PROJECT CLIENT SATISFACTION SURVEY

DECEMBER 2020

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Makerere University

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BUSINESS LAW CLINIC
Department of Commercial Law,
School of Law,
Makerere University Old Law Building,
Main Campus

Contents

1. INTRODUCTION	1
2. DESCRIPTION OF TLC SERVICES	3
2.1 Specific Services	3
2.2 Process of Client Engagement	3
2.3 How clients obtained information about TLC	5
3. RESULTS FROM TLC SERVICES	6
Raising the beneficiaries' profile	6
New business opportunities	6
4. STRENGTHS AND WEAKNESS OF THE TLC	7
5. CONCLUSION AND RECOMMENDATIONS	9



1. INTRODUCTION

In September 2019, the Department of Commercial Law at the School of Law, Makerere University, set up a Transactional Law Clinic (TLC) Pilot Project to introduce the use of clinical methods of teaching and learning commercial law subjects. The project sought to address two systemic problems in the Ugandan context.

On one hand, the majority of small and micro-enterprises lack access to essential transactional legal services despite Uganda being named as one of the most entrepreneurial countries in the world.

On the other hand, the use of clinical methods in the instruction of law students is minimal and mainly limited to human rights issues, yet a focus on transactional law can provide students with a more diverse understanding of real-world legal and have meaningful impact on the indigent community.

The Transactional Law Clinic (TLC) Pilot Project aims to innovate with teaching commercial law subjects and supporting indigent communities. The Project received funding for one financial year from the Research and Innovation Fund Phase I (2019-2020) in November 2019 and has since begun implementation of University-Based Legal Aid Clinics (UBLAC) seeks to:

- i) Ensure both an all-round practical education for law students,
- ii) Inculcate in the students a sense of social consciousness; and
- iii) Enhancing access to justice for indigent persons.

In addition to equipping law students with the skills of social justice lawyering and provision of pro bono legal services, the UBLACs also provide legal services to the indigent, hence enhancing their ability to access justice, build their legal literacy and access legal service. This is especially crucial in the Ugandan context, where legal aid systems are

weak and many law school graduates are insensitive to societal needs.

Pursuant to the above, the project's leadership engaged a consultant (Akijul) to conduct a Clients' Satisfaction Survey to assess the level of impact made by projects in this phase. The methodology used by the consult is as follows:

- i) A literature review of project documents was conducted to develop an understanding of the project's aspirations and expectations and ascertain criteria for assessing.
- ii) A random selection of clients were interviewed to obtain a description of their experience with TLC, how they learned about it, its strengths and weaknesses, and recommendations for its improvements.
- iii) Data from the client interviews was subsequently documented and analyzed to identify good practices, lessons, and ideas on how the interventions can be improved or enhanced.

This report presents findings and analysis of data obtained through key informant interviews with TLC clients, namely Anne Marie Nakiwula (representing Angie's Organic), Stephen Odaro (representing Platform for Vendors in Uganda), and Etienne Salborn (representing Social Innovation Academy).

2. DESCRIPTION OF TLC SERVICES

Transactional/commercial law is a broad field with many specialisations. The purpose of the TLC is to provide an opportunity for students to practically apply the law through interacting with clients, providing legal advice drafting legal opinions and other services. The following are the services that were most essential to TLC's target beneficiaries.

2.1 Specific Services

From the interviews, it was established that the scope of TLC services varies on a case to case as each client comes with unique needs. The categories of services provided to clients in this phase included:

- i) Business registration, incorporation of a business, and tax registration.
- ii) Legal advice and compliance support.
- iii) Awareness training on policy and statutory requirements.
- iv) Legal analysis of draft bills to support policy advocacy.
- v) Alternative dispute resolution.

2.2 Process of Client Engagement

All the clients were referrals from members of the TLC project team. The process of engagement with each client began with an initial consultation during which the client's legal issues and needs were established. The initial consultations were led by a staff member from the project team, who then passed the information on to the rest of the team for delineation of tasks. This was then followed by a briefing of the students assigned to

each case. The students assigned to each case were then tasked to carry out their own interviews with the client, assess the legal services required, and implement the solution in consultation with the clients.

In Ann Marie Nakiwula's case, the solution required was to incorporate the business and provide guidance on dealing with intellectual property rights infringement. She was satisfied with the solution and found it very instructive to learn the steps and procedures to incorporation as she too is a law student and could use these skills to help others. Her experience makes a case for the potential multiplier effect of TLC's interventions. Through Ann Marie Nakiwula's agency, TLC was able to benefit more than just one company.

In Etienne Salborn's case where a similar solution was required (incorporation), the assignment required the students to adapt a constitution used in multiple jurisdictions into the format and requirements of incorporation in Uganda's jurisdiction. However, in the end, the students were not able to provide a satisfactory solution in Salborn's case as it required a complex understanding of Uganda's business regulation framework to arrive at a customized solution.

In Stephen Odaro's case, TLC's service did provide a solution to Platform for Vendors in Uganda's (PLAVU) immediate problem, however, it also created new opportunities the TLC team seemed ill-equipped to provide. At the time of engagement, PLAVU was involved in a campaign attempting to mediate differences between city authorities in Kampala and street vendors. While TLC's advisory interventions were critical to helping PLAVU members understand their obligations under the law — and indeed helped them bring their issues and concerns into the process of drafting new regulations and ordinances that may affect them — their actual need required sustained engagement or mediation with city council authorities to obtain better social justice outcomes. A one-off engagement was not sufficient.

2.3 How clients obtained information about TLC

All the clients surveyed learnt about TLC through referral by a TLC project team member. Both Odaro and Salborn were referred to TLC by mutual professional associates with close knowledge of their work (acquired through professional interactions). In Nakiwula's case, she had been a volunteer at Makerere University School of Law's Legal Aid project and was referred TLC by colleagues who had been involved in her project. According to the TLC team, the limited options for referral were due to the fact that project was in its pilot phase, and so the team did not want to take on too many clients. In addition, students only have a limited time for the project, since they have other classes, need to prepare for exams, and are also not available during their holidays.

The client feedback shows that dissemination of information about TLC is still highly limited as one needs to be in the professional circles of project members to benefit from it. If one of TLC's core objectives is to extend transactional law services to underserved or indigent communities, a clear strategy for outreach to the intended beneficiaries to be put in place.

3. RESULTS FROM TLC SERVICES

Raising the beneficiaries' profile

For PLAVU members, the service from TLC entailed assistance with legal analysis of Establishment and Management of Markets Bill 2020, which could potentially destabilise the nature of doing business for market and street vendors — PLAVU's primary beneficiaries. Through TLC's intervention, PLAVU was able to educate its members about the proposed legislation and obtain their views. These views were then shared by the Director of PLAVU, during high-level stakeholder meetings. The depth of understanding of the proposed legislation, coupled with the ability to share the real -life experiences of vendors and articulate implications of proposed legislation, made the PLAVU team an indispensable stakeholder during the debate and drafting of the legislation. The PLAVU team were regularly invited to various stakeholder meetings.

In addition to the above support on legislation, TLC also conducted awareness training on business registration and the benefits of formalising businesses for PLAVU's members. This raised PLAVU's value in the eyes of their members, as the training increased the confidence of members that PLAVU was the best platform to represent their interests.

New business opportunities

For *Angie's Organic*, incorporation not only protected them from infringements by competitors using their brand to promote inferior products, but it also opened up new business opportunities. Previously, they were procuring materials for their business from Kenya but were able to find cheaper suppliers in India as being incorporated made them legible for multi-national trade. As a result, they have been able to increase the size of their sub-production chain and are empowering the livelihoods of more women as a result.

4. STRENGTHS AND WEAKNESS OF THE TLC

TLC's biggest strength is in the provision of practical advice to a community that often cannot afford the high cost of legal consultancy. In addition to this, clients also reported that the service was swift and that the team was responsive, which made for a fairly smooth experience. Therefore, the program has had a meaningful impact on their lives. The programme also offered students variety of experiences to learn from, some of which required them to use local language to explain legalese. However, there were a few challenges.

While clients were happy with the fact that service was pro-bono, it was not adequately communicated that there some fees to be incurred. In some cases, the expectation was an all-round free service. For instance, Nakiwula had been told that the project had some money to pay for the services and was surprised to later find that she had to pay the administrative costs of filing documents with Uganda Registration Services Bureau (URSB). A different kind of client may not have been able to go past this stage.

The level of engagement with target beneficiaries is low. Majority of small and micro-business owners, who are the intended beneficiaries of this project, have not heard about TLC at all. As noted in PLAVU's case, it was their association with Fredrich Ebert Stiftung (FES) that linked them up with TLC, yet one would imagine that platform organization like theirs would have been the first point of contact in mobilizing beneficiaries.

Also noted was the narrow scope of services. The focus on formal business transactions yet the needs of indigent business owners tend to exceed business transaction. In PLAVU's case, TLC intervention was of more value in helping micro-business owners lobby for a better regulatory environment, which could potentially have a bigger impact

on their livelihood than compliance with Uganda Registration Service Bureau(URSB) requirements.

In addition to being limited in scope, TLC also appears to have a loose or inadequate framework of supervising the students. It was intended in the design that students would work closely with lecturers and practising lawyers/firms to devise and assess solutions, however, this seems not to have happened as we see in the case of Etienne Salborn. His need to adapt a multi-national organizational charter to Uganda's jurisdictional requirements without losing the innovations in the original document were not met. The student's knowledge of the regulatory framework for social enterprise organisations was limited — they could only provide solutions for standard for-profit companies or incorporation of NGOs.

In PLAVU and Salborn's case, the students' lack of knowledge could have been excused if their professional conduct was above par. Stephen used the phrases, *'the students are still young, so we need to be patient,'* to describe their behaviour. Salborn's description perhaps describes it best:

"I think we appreciate the effort that has been kind of useful to get some more inputs. Some ideas, what we could do, but also, on the other hand, no clear guidance on a roadmap, how we can fulfil the needs that we had. And that probably would have helped if we would have had more engagement as well with the people working on it." Etienne Salborn

This report notes that a number of TLC initiatives including community engagement, were hampered by Covid-19. The team did however adapt through use of virtual methods. However, this was challenging at times because of intermittent internet connections, and/or access to equipment.

5. CONCLUSION AND RECOMMENDATIONS

In the final analysis, the clients were mostly satisfied with services TLC provided. They shared that the process was consultative and that the TLC team was largely responsive to their needs even where an adequate solution was not found. Two of the respondents stated that they would, *and had*, recommended TLC to friends.

It was noticed that TLC did not have a clear strategy for outreach. The clients were very diverse in socio-economic background and legal needs and the services offered appeared to be geared more towards to corporations than micro-businesses. Platform organisations like PLAVU needed to be engaged from the start so that the project could reach the neediest of the indigent community.

This report makes the following **recommendations**

1. Involve representatives of indigent communities in designing the next phase to increase the magnitude of impact.
2. Improve strategy for outreach to potential beneficiaries as opposed to relying on the networks of team members. This will require the TLC team to identify the nature of issues that they would like students to address, and the use that as the basis of selection of potential clients.
3. Expand the scope of services that comprise transactional law: indigent communities need more support in making the operating environment for their businesses fair and just.
4. Deepen community engagement/pro-community approach (referrals were from outside the target beneficiaries, i.e. informal/micro-business community). Informal/micro-business community will offer TLC and students experience

of the more complex facets of transactional law including the synergies with various social justice issues & experiences of intersectionality.

5. Design a brochure or other simple sources of information that should clearly describe how the TLC works, services offered, and those not offered.
6. Where required services are not available from the TLC project, establish a referral mechanism with other pro bono legal aid organisations or the Public Interest Law Clinic (PILAC) programme at Makerere University Law school that has a legal aid clinic.
7. Improve the orientation, training, and supervision of students by ensuring that they work closely with lecturers and volunteer lawyers in the project.
8. Consider working with more associations like PLVAU in future because they offer a wide array of practical issues that affect micro-businesses, and so will give students a wider berth of experience to learn from.

