

Clinical Legal Education GUIDE

YOUR GUIDE TO CLE COURSES OFFERED BY AUSTRALIAN UNIVERSITIES IN 2003 AND 2004

EDUCATION ACCESS LAW ETHICS



THE UNIVERSITY OF
NEW SOUTH WALES
KINGSFORD LEGAL CENTRE

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This guide was prepared by Frances Gibson and Francisco Fisher at the Kingsford Legal Centre
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INTRODUCTION & FOREWORD



This is the sixth edition of the Guide to clinical courses in Australian universities. It is great to see the diversity of courses being offered and innovations such as collaborations between Law Schools such as that at Flinders and Adelaide Universities.

Apart from providing much needed legal services to disadvantaged clients, students are increasingly expecting universities to provide them with clinical opportunities. It is perhaps time in Australia to start talking about what our US colleagues call a 'clinical guarantee' - that is, a guarantee that every law student will have access to a clinical program while in Law School. This may be a distant dream butone day.

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9 May 2003

Deakin University runs the course Law Clinic for six students each semester. The course is conducted at the **Western Suburbs Community Legal Service** with students attending over a thirteen week semester.

Students work on matters including criminal law, social security law, victims compensation, disability law and civil matters, especially debts and motor vehicle accidents. Students perform research in the areas of crime compensation, child support and social security law and attend courts and tribunals with lawyers. In the course they write letters, prepare legal documents and advice for clients and conduct negotiations all under the supervision of the Principal Solicitor at the legal service.

The object of the course is to enable students to develop practical legal skills in a community legal centre environment. The Principal Solicitor at the legal service conducts the direct teaching in the course and the supervision of student files.

Students are graded on a fail to high distinction scale. Grades vary according to the skills of students in taking instructions from clients, discussions with the tutor, "follow up work" such as initiative, research, strategy, written communications with clients and maintenance of files. Marks are also awarded on "general" matters such as the student's professional attitude and sensitivity to clients' needs.

Clinical Legal Education will commence at **Geelong Community Legal Service** in second semester 2003, with selected final year law students participating in the law clinic. Initially, the clinic will run as a pilot with students attending the service for one day each week during the semester. It is envisaged that the Clinical Legal Education Program will be established as "core business" within the Legal Service.

The program is based on an intensive model, with students conducting interviews and ongoing casework under the supervision of Legal Service solicitors. The types of matters students will work on include family law, child support and a range of general and civil law areas. The overall aims of the Unit can be summarised as:

- To contribute to the service delivery capacity of the organisation, including provision of information, advice and casework to clients and to legal education and law reform projects and strategies.
- To provide students with a professional practice experience in a community law environment, contributing to their development of good lawyering skills.
- To provide an opportunity for students to critically analyse and reflect upon issues of access to justice and equity within the legal system and the impact of these on social justice.

The CLE program is made up of various modules, focusing on practical learning methods, complimented by theoretical components. These include Advocacy and negotiation, Communication, Community law, File management, Legal resources, Research and referrals, Office and administrative procedures and Writing legal documents. The theoretical components of the program will be provided by the Legal Service, Deakin staff and guest speakers. Students will also have the opportunity to be involved in law reform and/or community legal education projects.

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FLINDERS UNIVERSITY

In the summer of 2002, the Law Schools of Flinders and Adelaide Universities collaborated to set up a legal advice clinic for unrepresented parties involved in litigation in the Minor Civil Claims jurisdiction of the Adelaide Magistrates Court. The pilot project involved student volunteers from Flinders. This year, the clinic program will be broadened into a topic "Community Legal Practice" available to Flinders students in their final year. This topic is quite separate from the Practical Legal Training program which is also offered by Flinders.

There is a quota of 8 students for the topic which will be offered each semester, and also over the summer. Students must have completed or be concurrently enrolled in the courses *Resolving Civil Disputes* and *Evidence* in order to qualify for enrolment. Enrolment is by application.

The Clinic operates quite independently of the court, although it has the full support and cooperation of the Magistrates Court and the Courts Administration Authority. The clinic operates one day per week, with four students from each law school at any one time. Students interview clients, assist with drafting letters and pleadings, advise on the law, and assist to evaluate alternative dispute resolution options for clients. Students are supervised at all times by a lawyer/lecturer from one or other law school. In addition to advice work, students also observe other court processes, consider issues of justice access and law in society, and examine ethical issues.

This collaboration between schools and with the Magistrates Court is the first such Court-based initiative in Australia. The values of such a program are significant - it offers an outstanding opportunity for students to experience law in context, to provide depth and understanding to their theoretical studies, and to develop understanding of issues of justice access and delivery in our community. The community benefits, because many people who would otherwise not be able to afford legal advice on matters in the court can obtain much needed guidance and assistance with their cases.

As the clinic has a self-help focus, clients are able to go on to manage their own cases effectively and in an informed way. Finally, the court, magistrates, registrars, and registry staff, who cannot provide legal advice, have an independent service to which litigants with problems or complex cases can be referred. The court also benefits from the capacity of parties to come to court with their cases clearly organised.

The clinic has the support of both Law Schools, the Courts, and the Law Society, and is able to offer free legal advice at minimal running cost due to the collaboration between several different organisations and a grant from the Law Foundation of South Australia. It is an exciting step forward in legal education and in the provision of pro bono legal services.

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In 2003, Griffith University Law Faculty will operate six clinical courses for undergraduate law students. A clinical placement is also incorporated into the Practical Legal Training Program run by the faculty.

Undergraduate Clinics

The undergraduate courses (with the number of participating students) are:

1. Advanced Family Law – Clinic
12 students – offered 2 or 3 semesters per year in conjunction with Caxton Legal Centre and Learning Network Queensland with financial support from the Commonwealth Attorney-General's Department.
2. Alternative Dispute Resolution – Clinic
12 students – offered once per year in conjunction with the Alternative Dispute Resolution Branch of the Queensland Department of Justice and Attorney-General.
3. The Innocence Project
10 students – offered 2 semesters per year in conjunction with Nyst Lawyers.
4. Legal Clinic
6 students – offered once per year in conjunction with Caxton Legal Centre.
5. Public Interest Lawyering
6 students – offered 2 semesters per year in conjunction with the Queensland Public Interest Law Clearing House.
6. Semester in Practice
15 students – offered once per year. An externship program involving a diverse group of law-related workplaces.

Practical Legal Training Clinic

Griffith has also introduced a clinic component to the Practical Legal Training course established in 2001. 12 students – offered 1 or 2 semesters per year in conjunction with Caxton Legal Centre and Learning Network Queensland with financial support from the Commonwealth Attorney-General's Department.

Common Objectives

The Griffith clinical courses have a number of common objectives:

- to provide a practice-based experience designed to encourage students to take responsibility for their work and to think reflectively;
- to develop students' critical understanding of the legal system and the roles of lawyers within that system;
- to develop and refine legal skills considered elsewhere in the Griffith law program, complementing the range of courses and teaching methods used in the Griffith law program.

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griffith university cont'

Details of the courses are as follows:

Advanced Family Law – Clinic

This course is operated by Caxton Legal Centre and Griffith Law Faculty with the support of funding from the Commonwealth Attorney-General's Department. Barbara Hook coordinates the course and together with Marie Stainlay supervises the participating students. The clinic placement for this course focuses on family law issues facing self-representing litigants. Students must have completed the Family Law course before they can enrol in this clinic.

The course involves students being rotated through two placement sites during semester. Students spend time at Learning Network Queensland, a distance education provider with statewide coverage, and use audio-graphics and video conferencing facilities to advise people from Queensland regional centres in relation to family law issues. Students also take part in specialist family law advice sessions run at Caxton Legal Centre on Mondays.

Students appear in the Magistrates Court on family law matters. The course also involves a series of 8 seminars. Assessment for the course consists of placement performance (50%), group law reform or community legal education project (30%) and seminar presentation and participation (20%).

Alternative Dispute Resolution – Clinic

This course is operated with the Alternative Dispute Resolution Branch (ADR Branch) of the Queensland Department of Justice and Attorney-General. Peter Johnstone from the ADR Branch has been appointed an Adjunct Lecturer and he works with Jeff Giddings, the course convenor. The purposes of the course include enabling students to better understand the use of various forms of alternative dispute resolution in legal processes.

The course is taught by way of a one-week teaching intensive prior to the start of semester, involving mediation educators from the ADR Branch. Pairs of students then participate in four-week placements (2 days per week) with the ADR Branch, completing research and policy tasks, working in the Intake Section and observing mediations where possible. There are also fortnightly seminars at which students make presentations.

Assessment for the course consists of participation in teaching intensive (20%), placement performance (40%) and seminar presentation and participation (40%).

Innocence Project

This course involves students working in small teams with Nyst Lawyers Southport, and Lynne Weathered, the Project Director. They undertake research and utilise new evidence in efforts to exonerate persons who have been wrongly convicted and to address other types of injustice within the criminal justice system.

Once the Project accepts a case, students are involved in reviewing police reports, trial transcripts, relevant documents and other evidence. Cases are selected based on the availability of relevant forensic evidence and whether DNA testing can conclusively refute a finding of guilt. The use of DNA evidence is central to the work of the Project.

The course includes a classroom component, taught in intensive mode over 3 days in the week before the start of semester. Students also meet weekly with the course convenor during the semester.

Assessment for the course consists of placement performance (50%) and a 3000-word assignment reflecting on work in the Project (50%). The Griffith Innocence Project is closely affiliated with the Innocence Project operated by the Cardozo Law School in New York.

Legal Clinic

This course involves students working at Caxton Legal Centre. Each Monday students interview and advise clients, and prepare letters and legal documents. Students are supervised by Jeff Giddings with support from Caxton Legal Centre staff.

In addition to participating in the weekly advice sessions, students appear for Caxton Legal Centre clients in family law matters. Assessment for the course covers placement performance (60%), seminar presentation and participation (25%) and completion of a Magistrates Court appearance for a Caxton Legal Centre client.

Public Interest Lawyering

Public Interest Lawyering enables students to complete a placement with the Queensland Public Interest Law Clearing House (QPILCH), an initiative of major law firms, Legal Aid Queensland, the Queensland Law Society, the Queensland Bar Association and Griffith University. Students are supervised in their work by QPILCH Coordinator, Tony Woodyatt and course convenor, Jeff Giddings.

Students are involved in the process of assessing applications for assistance received by QPILCH. They gather and consider materials then prepare recommendations for QPILCH Executive Director, Tony Woodyatt in relation to such requests for assistance. They are involved in group work on public interest law projects being conducted by QPILCH and member law firms.

Students also participate in a series of seminars on a range of issues dealing with the practice of public interest law and pro bono delivery of legal services.

Assessment consists of placement performance (55%), a placement report (20%) and seminar participation and presentation (25%).

Semester in Practice

This course places students in workplaces suited to their particular learning objectives. Students spend one day per week for the thirteen-week semester working for the host organisation. Sites include law firms, barristers' chambers, community legal centres, industrial relations consultants and government departments. Students work closely with a designated host organisation supervisor. Supervisors and students receive placement manuals dealing with issues related to making the placements as productive as possible for all concerned.

Apart from monthly individual meetings between students and the course convenor to discuss the placements, there are eight seminars. The seminars are designed to compare and contrast the nature of the different host organisations with a view to considering the work lawyers do. Each student makes two seminar presentations.

Assessment for the course covers performance with the host organisation (50%), placement report (20%) and seminar presentations and participation (30%).

Practical Legal Training Clinic

This course is operated by Caxton Legal Centre, Griffith Law Faculty and Learning Network Queensland with the support of funding from the Commonwealth Attorney-General's Department. Barbara Hook coordinates the course and together with Marie Stainlay supervises the participating students. The course does not involve graded assessment. In keeping with the rest of the PLT program, it is assessed on a satisfactory/unsatisfactory completion basis.

Students complete a 10-day placement at Learning Network Queensland. They use audio-graphics and video conferencing facilities to interview people from Queensland regional centres in relation to general legal issues and then do necessary case-related research in order to provide written advice.

JAMES COOK UNIVERSITY

The Townsville Community Legal Service offers places to sixteen (16) final year law students to work within the organisation as part of the daytime service. The program is structured so that students have the opportunity to engage in practice with both volunteer solicitors and barristers and also with the full-time staff of the service.

The program is delivered by the staff of the service including two solicitors, a financial counsellor and the co-ordinator. Over the past two semesters a local barrister has also been employed to assist with student supervision.

The program begins with a three-day intensive which covers the relationship between theory and practice, and allows students to develop an understanding of the role a Community Legal Centre plays in the community and the skills necessary to deal with clients. Members of the Management Committee are encouraged to participate in the three-day intensive program which precedes the client/student interaction or hands-on work. Management Committee members have presented sessions on ethics, legal practice matters and Professional Indemnity matters. This allows students to gain insight into the operation of a community legal service and also to experience a number of different perspectives relating to practice.

Students are encouraged to fully participate in the day-to-day operation of the Service. They attend for one full day per fortnight over a ten-week period. Students have the opportunity to do more than just short advices. They may have the opportunity to open a case and follow it through during the course of the program.

Students rotate among supervisors, so that they have the opportunity to observe different styles of working with clients and also give advice on various areas of law, including Family Law, Administrative Law, Bankruptcy Law etc. Students are actively encouraged to do follow-up work, be it contacting other agencies by letter or phone, or negotiating with service providers such as creditors or points of sale in relation to consumer and financial issues.

Students are also involved in a group project. This could include preparation of a law reform proposal or the production of a booklet on a relevant area of law. Most groups have chosen to write and present community education forums. Students have presented to various community groups on Prisoners' Rights (1996 at Stuart Correctional Centre), Family Law Information for Community Workers (1997), Youth and the Police – Rights and Responsibilities (1998), Tenancy Issues (1999), A Woman's Guide to Separation (2000), a discussion paper on the right to refuse medical treatment (2001). In the 2002 program, students were asked to do a court report, which although challenging for some students, ensured that they became familiar with the Court and processes of the Court.

Students are also required to maintain a reflective journal. This allows them the opportunity to reflect on their experience as beginning practitioners and also the 'law in context', including issues of social justice, areas of potential law reform and other agencies which may provide more practical, but non-legal solutions to problems arising for presenting clients. Keeping a journal is often challenging for students as they may be concerned about the content of their reflections. However, as the program progresses students find that their journals are a source of debriefing and also assist staff to ensure that the needs of students in relation to their learning experience are being met.

Feedback from students on the evaluation of the program has been extremely positive and the immersion of students in the daily operation of a community legal service has provided students with the opportunity for a 'real' working experience in a legal environment. Many students return as volunteers after they are admitted, or volunteer with co-ordinating the Thursday evening advice services whilst completing their studies.

The course is graded on the traditional pass to high distinction basis. Assessment is as follows:

- 30% Client Interviewing Performance
- 20% Professional Journal
- 20% Legal Drafting
- 30% Policy work (Group Project)

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Clinical legal education has a long history at La Trobe, dating back to 1978 when the then Department of Legal Studies appointed a solicitor/lecturer to establish the West Heidelberg Legal Service. This relationship continues today. Additionally, the School of Law and Legal Studies now works with Victoria Legal Aid. These arrangements enable students to participate, under supervision, in both the legal and community work of the agencies. In this way students provide service to the local community whilst enriching their understanding of legal theory through their practical experience.

The term “clinical legal education” is used to describe a range of educational undertakings. At La Trobe, the desirable features of clinical legal education programs have been and are seen to be that:

- students interact with real clients in a lawyer/client relationship
- substantial practical skills are required but that skills training is not the primary focus
- there be substantial supervision by School of Law and Legal Studies teachers
- there be a classroom component as well as the workplace clinical experience
- the program(s) involve the students and the university providing a service to the community

Assisting people who do not have the resources to access the legal system has been a longstanding characteristic of clinical legal education programs in Australia and this intertwining of service and education is a continuing feature of the programs developed at La Trobe.

CLINICAL LEGAL EDUCATION COURSES – 2003

Legal Practice and Conduct – LAW21LPP (semester one) or LAW22LPP (semester two)

In this clinical program, students work at the local Preston office of Victoria Legal Aid (VLA) under the supervision of Judith Dickson, senior lecturer (j.dickson@latrobe.edu.au). Students run a clinic within the practice and are responsible for the conduct of the client files. They also work with the VLA lawyers on their client files and clerk for them in the duty lawyer service provided at the local Magistrates Courts.

In the course of the three areas of work, students have the opportunity to observe and are encouraged to reflect on how a practitioner's duties and ethics are relevant to daily legal practice as well as on the efficacy of law, the legal system, the legal aid system, the legal profession and the nature of justice. What constitutes ethical legal practice is the theme of this course. The context for this study is the issue of access to justice and recent reforms to the legal profession.

Clinical Legal Education – LAW21CLE or LAW22CLE

This subject involves students in delivering legal services at the West Heidelberg Community Legal Service under the supervision of Liz Curran, lecturer (e.curran@latrobe.edu.au).

The focus of the subject is the practice of human rights law and implicitly, the legal needs of disadvantaged people. A major component of the course is a clinical placement at the West Heidelberg Community Legal Service. Students are encouraged to reflect on the practice of law, the values, dynamics and effectiveness of the legal system, the role of lawyers in society, issues around access to justice and human rights and the

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la trobe university cont'

potential of law to achieve justice for economically and socially disadvantaged people. There is a strong focus on the development of communication skills and ethical practice. The students also undertake a major law reform project/report which is submitted to government and statutory bodies. The topics are negotiated between the students, their supervisor and the legal service based on areas emerging from casework. Past reports have included: Police Cells, the Juvenile Justice System, Rights of Users of Public Transport, and Self-represented Litigants in the Magistrates Court. Assessment is based on placement (45%), an interview report (15%), class participation and a presentation on ethics (10%) and a major law reform project/report (30%). Students also keep a journal which aims to encourage reflective practice.

Public Interest Practice LAW22PIP

The aim of the subject is to give students the opportunity to experience law in practice (not necessarily 'legal practice' as conventionally defined) and to reflect critically on the work and obligations of lawyers, the operation of the legal system and the way in which law is practised in the public arena and/or in the public interest.

Students are placed with outside agencies, usually not-for-profit or public interest (including government), and work (normally one day a week) there during semester as well as attending sessions on campus. Students are supervised on site by staff of the host organisation. The host organisation has responsibility for the day-to-day supervision of the students and students have regular meetings with a School academic supervisor. There will be six two-hour seminars held during the semester. The seminars provide the opportunity for students to identify and discuss issues of common interest and encourage them to learn from their own and others' experiences.

Other related programs

Mentoring Program

Another aspect of the clinical legal education program is the Mentoring Program. The aim of this program is to provide an opportunity for law students to observe and participate in a limited way in the decision-making process of courts and tribunals. Students are 'attached' to a magistrate or judge and conduct research into and writing on a legal issue of relevance to the mentor's work. Subjects that incorporate the program are Criminal Procedure and Evidence, Administrative Law and the Family, Society and Law.

Graduate Diploma in Family Law Mediation

This course aims to provide an integrated program of general theory, practical skills and research in conflict resolution and specialist knowledge in family law mediation. There are five required subjects including Family Mediation Placement where students engage in a range of activities in a family mediation agency. This includes the conduct of a mediation session under the supervision of an experienced family law mediator. Tom Fisher (t.fisher@latrobe.edu.au) coordinates the postgraduate courses in Conflict Resolution and Mediation.

Monash University offers a Clinical Legal Education Program through the subjects Professional Practice and Advanced Professional Practice. Each subject is an elective for fourth and fifth year students.

The objectives of both subjects are:

- to expose students to the operation of the legal system in practice;
- to develop skills and professional responsibility; and
- to provide legal services to the community.

Professional Practice

This subject provides a generalist clinical experience through Springvale and Monash - Oakleigh Legal Services. Students attend one client interview session a week for a semester. They interview clients, research relevant law, advise clients, prepare briefs to counsel and negotiate with opposing parties, all under the supervision of a practitioner. In selected cases, they represent their clients in the Magistrates and Family Courts.

The areas of law covered include the full range of legal centre work, with emphasis on criminal law, family law, civil claims, debt and consumer matters.

In addition to casework files, students at Springvale also work in teams on a variety of community development files. These files address underlying structural, rather than case-by-case solutions, to common legal problems experienced by whole groups of clients.

The classroom component of the subject involves a weekly seminar, introducing students to the skills of interviewing, letter writing, negotiating, advising and advocacy. The importance of an ethical approach is emphasised throughout the seminar program and at the Legal Services.

The subject is graded according to the pass/high distinction range of grades. Casework carries 80% of the total mark and the remaining 20% is allocated either to two court appearances and a report or to a written assignment.

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Teaching staff include two clinical academics and one full-time and two part-time staff based at the Legal Services. Other staff at each Legal Service provide additional assistance to students in specialist areas.

The subject is funded by the University, the Commonwealth Government, Victoria Legal Aid and local government.

The subject is offered three semesters per year.

Advanced Professional Practice

This subject commenced in the second half of 1998 and is offered three semesters per year. It is designed to provide the opportunity for students who have completed Professional Practice to develop their skills further and to work in an area of specialisation.

The subject involves the concept of "specialist clinics", in which students can work in a specialised area of law to develop both their skills and their knowledge.

The main specialist clinic is the Family Law Assistance Program, funded by the Commonwealth Attorney-General. This Program provides workshops to assist Family Law litigants who are without legal representation and are conducting their own case. The student also attends the Dandenong Registry of the Family Court, together with other agencies, on a nominated day each week, to assist litigants whose matters are listed for that day. Students advise litigants, assist them to negotiate or engage in mediation (provided at the court), then if agreement is reached between the parties, students appear in Court to obtain consent orders.

Students taking the academic Family Law subjects are able to work in the Program for short placements.

The other specialist clinic is a Joint Clinical Service with the South East Centre against Sexual Assault (SECASA). In this clinic students work with clients referred from SECASA who are entitled to Victims of Crime Assistance or require other forms of legal work.

Assessment consists of 80% for casework and 20% for a reflective report.

MURDOCH UNIVERSITY

Murdoch University offers a clinical legal education program to law students through the subject Clinical Legal Education. The subject is an elective unit available to final year students. Since 2001 an elective advanced clinical unit specialising in immigration law has been offered.

The objectives of the program are:

- to develop students' critical appreciation of the law as an active social process in a community-based context;
- to encourage students to think critically and reflectively about the adequacy of the law, legal system and the role of practitioners;
- to develop students' professional lawyering skills including communication, interviewing, advising, negotiating, advocacy, letter writing and the drafting of documents;
- to develop students' professional skills involving judgment, such as investigation of facts, the recognition of issues, the analysis of problems and situations, the use of tactics and decision-making generally;
- to develop students' understanding of professional lawyer/client issues, involving awareness of personal morality and professional ethics, and the consequences of the breaches of rules of conduct; and
- to provide legal services to the community.

The program is based at the community legal centre, SCALES, which is located in Rockingham and provides a generalist legal service to low-income and disadvantaged people in the surrounding community. SCALES also has a specialist domestic violence support service known as FFAST, which is run jointly with the local Women's Health Service and is integrated into the clinical program. The Clinic further has a Commonwealth tender for providing advice and representation in immigration matters and consequently has a particular focus on refugee and human rights cases.

SCALES recently obtained funding to work on the issue of Young People and Public Space. This project has a community development model and integrates the legal skills and work of the students with broader perspectives on this issue. Students attend a client interview session at SCALES each week, as well as having the conduct of ongoing case files under the supervision of the Clinic's solicitors. Students are required to interview clients, research law, negotiate with other parties and draft letters, written advice and court documents. Students may also have the opportunity to appear under supervision in the Local Court, Children's Court, Social Security Appeals Tribunal and other appropriate forums.

In addition to attending the Clinic two days per week, students are required to participate in a weekly two-hour seminar on campus. The seminar program focuses on practical skills, professional ethics and client communication issues with a considerable emphasis on dealing with particular client groups such as young people, Indigenous clients, clients in situations of domestic violence, clients with mental health issues and clients from non-English-speaking backgrounds.

The course is fully graded with 80% of assessment based on work at the Clinic, and 20% on seminar participation including a student presentation on broader social/ethical issues arising from a case. The Clinic has three full-time solicitors employed through the University, one part-time solicitor employed through SCALES and two full-time administrative staff. SCALES and the Clinic program are sponsored by the Commonwealth Government under the CLE funding program and Murdoch University. Other significant financial support is provided by the Lotteries Commission, Law Society, State Government and the private profession.

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NORTHERN TERRITORY UNIVERSITY

The Northern Territory University offers a clinical component in the Professional Practice course. Students spend one day per fortnight over a ten-week period with a firm/public legal service. The timing can be altered with the concurrence of the student and his/her placement.

Students will learn a range of lawyer's skills and be expected to develop professional commitment and ethical standards.

What is expected of the students?

Prior to attending, students will be given a series of seminars on what they will be expected to do during the course of the placement.

These seminars may involve topics as disparate as client interviewing, letter writing, preparing a brief for counsel, the making of proper file notes, professional responsibility issues and risk management.

What is expected of participating firms/legal services?

Firms/legal services will provide students with work or observation of work in:

- keeping file notes;
- correspondence;
- managing a file;
- attending barrister's conferences;
- viewing court matters; and
- interviewing clients.

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QUEENSLAND UNIVERSITY OF TECHNOLOGY

The Queensland University of Technology (QUT) offers the clinical legal education unit Legal Clinic (Organised Program) to undergraduate LLB students. The unit runs over a fourteen-week semester.

Students spend seven hours in an external placement and one hour in a seminar over each week of the course. The one-hour seminars are on substantive law, interviewing, drafting, law reform, legal aid and ethics. The seminars also facilitate small group discussion devoted to providing the students with the opportunity to reflect on their experiences in the clinic and their own effectiveness as advisers, problem-solvers and representatives.

The clinical work undertaken by the students is supervised by officers of Legal Aid Queensland, Prisoners' Legal Service Inc., and the Aboriginal and Torres Strait Islanders Corporation (DEA) for Legal Services. Students interview and give advice to clients, provide representation for clients, work on clients' files and prepare briefs and advice for the office's full-time legal staff. Students work on criminal law, family law, discrimination and administrative law matters. Some students have been involved in community legal education, for example, on child support issues and some students engage in policy work in association with Legal Aid Queensland.

Assessment is on a one to seven numeric scale. Marks are allocated as follows:

- Attendance at seminars (5%);
- Performance in clinic (15%);
- Professional journal and essay (40%); and
- A further item of assessment, relevant to the objectives of the course, to be negotiated between the facilitators and each student. (40%)

The objectives of the course are:

- to enhance contextual understanding of the law and legal process by exposing students to real legal problems and giving them (limited) responsibility for dealing with those problems;
- to provide students with an opportunity for observation and reflection on the efficacy of the law, the legal system and legal practitioners; and
- to provide students with an awareness of the roles of legal representatives and to equip students with the bases of the skills they will need to perform those roles.

The course is funded by the University, and at the conclusion of the course students evaluate it through a QUT Student Evaluation of Unit (SEU) survey.

DETAILS

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UNIVERSITY OF ADELAIDE

The University of Adelaide runs a clinical course for approximately 24 students twice a year, in Summer and Second Semester. Students are placed with community legal centres, the Magistrates Court, the Legal Services Commission, some small private law firms, various Community Legal Services, and public authorities.

Professional placements are for two days per week in the summer course and for one day a week during the semester. Students interview clients, undertake legal research, attend court with lawyers, represent clients in administrative tribunals, prepare legal documents and correspondence, and work on one major project or paper for their placement agency. Projects have included substantial submissions to the Human Rights and Equal Opportunity Commission, and to other Government authorities on human rights and related issues.

In addition, the Law School in collaboration with Flinders University has set up a legal advice clinic in the Minor Civil Claims jurisdiction of the Adelaide Magistrates Court. The clinic runs for one day per week throughout the year and students enrolled in the CLE course work at the clinic as their professional placement. The clinic is student-run with academics/practitioners providing supervision on site.

Seminars for all students cover professionalism, legal ethics, communication, lawyers' relations with clients, access to justice and related issues. Prior to their placement students attend a one-day intensive training session to prepare them for placement in a legal environment.

The objectives of the course are:

- to provide students with a contextual understanding of the theoretical law they have been studying;
- to enable students to develop insight into the role of law in society and the concept of justice and equality in the legal system;
- to provide students with the opportunity to exercise, in a real environment, the core skills of good lawyering;
- to provide students with understanding of ethical standards expected of legal practitioners;
- to enable students to develop an appreciation of the concept of professionalism in their conduct and outlook; and
- to contribute to the provision of legal services in the community.

The assessment for the course consists of a professional diary, placement report, written assignment, practical exercise and class assessment. The course is graded on a fail to high distinction scale.

The course is funded by the University. The Magistrates Court Clinic is funded by a grant from the Law Foundation of South Australia.

DETAILS

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UNIVERSITY OF NEWCASTLE

Overview of Clinical Legal Education

Students at the Law School at the University of Newcastle have Professional Training and Clinical Legal Education incorporated, to some extent, into almost every year of their Law Degree. In the final two years of their Law Degree, having completed a degree in another discipline, students may elect to formally enter the "Professional Program" known as Option B. In 2002 there were 100 law students in the Professional Program. They complete intensive Clinical Legal Education components while they are studying substantive law subjects. At the completion of their studies, Professional Program students at the Law School of Newcastle University are entitled to receive their Law Degree (LLB) and also a Diploma of Legal Practice (DipLegPrac).

Professional Program

All students in the Professional Program are required to attend legal professional placement. The School of Law at the University of Newcastle operates a community legal centre, the University of Newcastle Legal Centre (UNLC). This Centre provides free legal advice and assistance to approximately 1500-2000 people per annum, from the Hunter region. The operations of UNLC are directed to the provision of assistance to disadvantaged members of the community. The service focuses on vulnerable groups and people with limited financial means. It also acts in matters of public interest.

UNLC is an important part of the Clinical Legal Education of law students at the University of Newcastle Law School. All students who enter the Professional Program are required to participate in the legal practice and public interest advocacy at UNLC. They are rostered on duty and allocated to work with, and under the supervision of, a solicitor employed at UNLC who is an academic member of staff. The solicitor allocates responsibility for client files to students and ensures the student is exposed to specific work experiences, relating to the conduct of client matters.

In addition, all fourth year students in the Professional Program are rostered for at least four Advice Days at UNLC. They take instructions from the client then discuss the issues privately with the supervising solicitor. The solicitor then returns with the student, to the client, and gives the appropriate legal advice.

Students may have the opportunity to appear for a client before the Family Court and also before a Local Court in a criminal matter. This occurs with the client's consent, and with leave of the Court. Students in fifth year may also prepare a will for a client at the UNLC, under the supervision of a legal practitioner.

In 1996, the Legal Aid Commission of New South Wales and the Northern New South Wales Aboriginal Legal Centre (now known as Many Rivers Aboriginal Legal Service) joined the group of legal service providers working out of the UNLC premises. The Legal Aid Commission conducts a civil practice and the Many Rivers Aboriginal Legal Centre conducts a criminal practice from the offices of UNLC in King Street, Newcastle. Law students in the Professional Program are also allocated to these agencies on legal professional placement and assist with the conduct of various matters with these agencies.

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In relation to legal professional placement of students, the Law School at the University of Newcastle is greatly supported by private law firms and government organisations. Law students attend placements at a large number of private Newcastle, Hunter Valley and Central Coast law firms. They also attend legal professional placements with government organisations such as the Office of The Director of Public Prosecutions and the Legal Aid Commission of NSW.

Clinical Legal Education

In the last 2 years of their Law Degree, students undergo Clinical Legal Education each academic semester concurrently with the study of their substantive law subjects.

The formal part of Clinical Legal Education begins a week prior to the commencement of the normal academic semester, with an Orientation and Professional Skills Week. During this week students undergo a number of intensive programs in relation to a variety of matters including Professional Ethics, Alternative Dispute Resolution, Communication Skills, Interviewing Skills, Affidavit Intensives, Drafting Intensives and Advocacy Intensives.

In Orientation Week, there are keynote addresses by eminent persons. These have included senior members of the Judiciary and the Magistracy, the President of the Law Society, the Legal Services Commissioner and the General Manager of the Legal Aid Commission.

There are approximately fifteen clinical legal education components over the last two years of the law degree. These comply with the APLEC recommended standards. They cover the usual wide variety of clinical legal education subjects, such as Advocacy, Criminal Law Practice, Advanced Criminal Law Practice, Litigation Practice, Family Law Practice, Trial Process, Advanced Family Law Practice, Conveyancing (Torrens Title and Old System), Commercial Law Practice, Intellectual Property, Business Law Practice, Advanced Business Law Practice (including Bankruptcy and Winding up), Wills and Administration of Estates, Professional Skills (including Ethical Obligations, Communication Skills, interviewing Skills), Alternative Dispute Resolution (Negotiation and Mediation), Advanced Drafting, Work Management and Business Skills (including Accounting, File Management, Case Management, Managing a Practice, Staff Relations, Team Work, Time Management and Stress Management).

Aims of the Professional Program

It is an overall aim that students who successfully complete the Professional Program possess reasonable skills and expertise in various areas of law. There is a further objective that they have a sense of professional responsibility and ethics and have the capacity to utilise and build upon their skills, knowledge and ethics acquired in the course in their professional lives.

The main objectives are:

1. to enable students to solve clients' legal problems;
2. to equip students with the framework, concepts, knowledge and skills integral to legal practice together with the appropriate professional values and a professional attitude towards learning;
3. to heighten awareness and preparedness to facilitate access to justice by pro bono service and public interest advocacy (utilising skills acquired during the course of the Professional Program); and
4. to facilitate understanding of ethical and professional responsibilities in relation to legal practice.

UNIVERSITY OF NEW SOUTH WALES

The University of New South Wales Law Faculty offers six courses containing a formal clinical component.

These are:

- Clinical Legal Experience (Intensive);
- Clinical Legal Experience (Non Intensive);
- Clinical Program – Employment Law;
- Law, Lawyers and Society;
- Clinical Legal Education Program – OzNet Law; and
- Indigenous First Year Program.

Clinical Legal Experience

The UNSW Law Faculty runs a community legal centre – Kingsford Legal Centre – which assists over 4,000 people a year. Seventy five students each year undertake the clinical program at the Centre. Students attend the Centre either two days or one day a week from 9am to 5pm each day to undertake the course on an intensive or non-intensive basis.

Students are given responsibility for running legal files under the supervision of a staff solicitor. Cases are taken on by the Centre for clients who cannot afford a private solicitor and where there is no other source of assistance or where the Centre has particular expertise (for example, in discrimination matters). Students are required to undertake legal research, interview clients, attend court with solicitors and counsel, and draft letters, affidavits, statutory declarations, court documents, and letters of advice. Students use their initiative to develop proposals for action to be taken on files in conjunction with the responsible solicitor. Students are responsible for responding to public enquiries for assistance and providing effective referrals to other sources of legal and non-legal assistance.

In addition to attending one or two days a week, students are required to attend a morning tutorial of one hour on their rostered days, evening advice sessions from 6pm to 9pm and weekly classes of two hours' duration. The weekly classes are run through an ongoing simulated fact scenario covering a variety of topics from substantive law in areas relevant to the Centre's practice such as domestic violence and discrimination as well as an introduction to practical legal skills such as interviewing, drafting and negotiation. The students also work on issues such as the legal aid system and law reform issues. A legal mentoring scheme runs in the evening advice sessions where volunteer solicitors and barristers work with students to provide advice and assistance to the local community.

Students also take a tutorial with the Law Lawyers & Society students discussing issues relating to interviewing and file management.

Course objectives

The objectives of the course are:

- to develop students' critical appreciation of the law and legal system in Australia through participation in a legal practice working for clients who are financially or otherwise disadvantaged;
- to enhance students' contextual understanding of the law and legal process by exposing them to real clients with legal problems;

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university of new south wales cont'

- to provide students with a detailed understanding of the legal aid system and develop students' understanding of issues of access to the legal system for the Australian community;
- to develop students' awareness of the role of lawyers in practice in the legal system;
- to develop students' understanding of ethics and responsibility in a workplace setting;
- to introduce students to the importance of developing basic lawyering skills to a high level of proficiency including communication, interviewing, drafting and negotiation; and
- to develop students' ability to see beyond a casework approach to legal problems by providing opportunities to participate in campaign and education work and to encourage students to see the law as a vehicle which can be used to protect and develop human rights.

The students are taught by a lecturer in the Faculty located at the Centre together with two solicitor/educators – funded by the Commonwealth and State governments. The Co-ordinator is responsible for the Centre's community service provision and with the Administrator trains the students in administrative procedures. The law firm Freehills has a solicitor on secondment to the Centre.

Students have the opportunity to participate in a student advocacy program. In this program they conduct guilty pleas for clients charged with minor offences at the Local Court.

Students receive one of two results for this subject: Satisfactory Completion, or Fail. Students are interviewed on a one-to-one basis in weeks 3, 8 and 14 for assessment (weeks 3, 6 and 12 in summer). Students do a self assessment in week 6. To satisfactorily complete the subject, students are required to show thorough performance and application to clients and project files, a willingness to think critically about the legal process, and a willingness to adapt their manner and conduct according to the needs of the particular client and legal problem. They are also required to write an article or do a case presentation on a particular client matter or policy issue. Placements are recognised as part of the professional experience component of the College of Law's Practical Legal Training.

Law, Lawyers and Society

All students enrolled in the compulsory course Law Lawyers and Society now undertake a clinical component in their course. All students undertaking the course will be given training in interviewing clients and legal aid issues. They spend five hours at Kingsford Legal Centre interviewing clients under the supervision of volunteer lawyers and gaining an understanding of the work of community legal centres. Over 400 students a year go through the course. Students are required to submit written reports on their experiences.

Clinical Program — Employment Law

The Centre also runs a clinical program in Employment Law. This course has been made possible by funding under the Commonwealth Government's Clinical Legal Education Initiative.

The objectives of the course are similar to those of Clinical Legal Experience (see previous page) however the students' cases, law reform work and community legal education will focus on issues related to employment. The assessment process will be the same as the Clinical Legal Experience Intensive Course.

This course has 5-8 students each session attending 2 days a week. Students gain specialist expertise in a highly important area of the law. In many cases students are appearing in the Industrial Commission in conciliation proceedings. Private practitioners as well as Centre staff conduct regular two-hour classes for students. Clients benefit from the availability of assistance in a field where there are few resources.

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university of new south wales cont'

A number of private law firms provide solicitors on a rostered basis to provide employment advice at the Centre. This allows students to work with a variety of lawyers as well as providing more assistance to clients. The course runs three times a year.

Clinical Legal Education Program — Oz NetLaw (The Internet Law practice of the Communications Law Centre)

Objectives

- To provide students with a working knowledge of a specialist community legal centre.
- To provide students with experience in an area of law that is practised in a strongly technological environment.
- To develop students' research and writing skills and knowledge of internet law.
- To develop students' interviewing and communication skills and to gain an understanding of the issues involved in providing legal advice.

Nature of work

Under supervision of a lawyer:

- legal research
- researching and drafting amendments to fact sheets and articles on OzNetLaw site to reflect recent developments in Internet law
- writing of articles
- preparing advice for clients
- general conduct of client files, where appropriate
- providing legal administrative support to lawyers.

Student requirements

- Attendance at CLC at least one day each week for 14 weeks of the semester.
The 80% rule applies and means that students who do not attend at least 80% of classes may be refused final assessment.
- Some additional online work (not necessarily at the CLC).
- Preparation of written work including researching and updating legal content on the OzNetLaw website and legal research articles for journals such as Communications Update and Internet Law Bulletin.
- Assisting lawyers with casework and website maintenance.

Group discussion

First hour of each day at the CLC spent in group discussion about research and casework.

Number of students

Four students only. Students will be selected on the basis of their ability to contribute to the Practice. Computer and research skills will be key criteria.

Assessment

In 2002 assessment was 30% based on participation in Practice activities, 40% based on written work (journal article) and 30% on legal advice work (2 advice drafts assessed). Assessment in 2003 to be confirmed.

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university of new south wales cont'

Indigenous First Year program

UNSW will offer first year indigenous law students enrolled in second session 2003 a chance to participate in a clinical program whereby the students will interview and assist clients and gain an understanding of legal services in NSW in weekly workshops.

The objectives of the course are:

- to develop graduate attributes of oral and written communication;
- to encourage students to continue their legal studies;
- to develop students' understanding of the way law can be used to protect human rights;
- to develop students' contacts and connection with the Law School;
- to enhance the services of Kingsford Legal Centre by increasing indigenous participation;
- to develop final year students' knowledge and understanding of indigenous issues through mentoring program;
- to allow students an understanding of the legal aid system in New South Wales;
- to allow students an opportunity to assist people in need; and
- to introduce students to practical lawyering skills.

UNIVERSITY OF NOTRE DAME

The UND College of Law strongly believes that ethical legal education must occur through students actively engaging with the intricacies and dilemmas of “real world” legal practice and through critical reflection on those experiences. This belief, founded on the long tradition of Catholic legal education, is linked with the College’s desire for justice within Western Australia.

As a practical manifestation of these commitments the College of Law will conduct 2 clinical-based programs in 2003 Law in Context and Ethics for Lawyers.

Law in Context

Law in Context is a final year elective course. It follows the established placement clinical model that has operated with great success in Australia and North America. The program has been developed with assistance from mentors at Murdoch and Griffith Universities.

Students are hosted in a variety of agencies, Community Legal Centres, Legal Aid Western Australia and the Department of Public Prosecution.

The course aims to enhance students’ real world legal skills through practical advocacy, file management, client interviewing and critical reflection of law, law reform and access to justice. Students attend a seminar series in addition to spending at least one day a week at their placement.

The course is assessed on a pass/fail basis.

Ethics for Lawyers

Ethics for Lawyers is a development of the community service program that has been run for several years at the College of Law. The Ethics for Lawyers program is a compulsory first year course for all law students. It is a joint initiative between the College of Law, the College of Theology and the Edmund Rice Centre for Social Ministry. The course is taught by a team of lawyers, philosophers and social scientists and is offered during semester 1 and semester 2.

The course is based on a similar program operated by the Centre for Social Concern at Notre Dame University.

The course involves students undertaking lectures in ethical theory and legal ethics parallel to undertaking regular community service. Students undertake a range of service activities depending on their skills and available time. Currently students are:

- Undertaking reading programs with special need children
- Volunteering in Community Legal Centres
- Visiting Prisoners
- Induction Officers with the Drug Court

The course is assessed through an exam, tutorial presentation and a detailed service journal.

DETAILS

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The University of Sydney Faculty of Law offers two clinical units of study.

1. LAWS 3025 External Placement Program

8 credit points.

Unit Coordinator : Graeme Coss.

Semester: 1, 2.

Classes: One 2 hr seminar per fortnight, plus up to one day per week for the semester at a placement site.

Assessment: One research assignment (50%), seminar performance (30%), placement site evaluation (20%), reflective journal (pass/fail).

Department permission required for enrolment. Capped at (approximately) 20 students per semester. The unit is limited to students in their final year of study.

As a part of the Faculty's commitment to teach the theory of the law in its practical and policy contexts, a decision was made to pilot an External Placement elective in Semester 2, 1996. Eleven placement sites took part in the pilot program and 13 students were placed. The unit is now offered each semester and, on average, 20 students are placed at 15 participating placement sites.

In this unit of study students are afforded the opportunity to work for up to one day per week during the semester in a 'public interest' placement site. In addition, students attend fortnightly seminars which are designed to promote discussion and reflection on a range of issues that may arise during the course of the placement as well as seminar presentations on matters relevant to public interest externships. The unit has a public interest focus which is reflected in the selection of placement sites.

At the end of the unit students should have:

- acquired a better sense of the professional and personal responsibilities associated with the practice of law;
- developed an appreciation that the law is a people profession;
- observed and participated in a high level of problem-solving flowing from real case files (where appropriate);
- been introduced to the basic inter-personal skills involved in the practice of law;
- interacted with legal professionals in a flexible learning environment;
- been introduced to aspects of the practice of law such as legal writing, advocacy and time management;
- developed the character and habits of a reflective practitioner.

Sites which are currently [have been] part of the program include:

Amnesty International, [Anti-Discrimination Board], Arts Law Centre, Australian Law Reform Commission, Environmental Defender's Office, Family Court of Australia: Judge and Federal Magistrate, HIV/AIDS Legal Centre, Human Rights and Equal Opportunity Commission, [Legal Aid Commission of NSW: Children's Legal Services], National Native Title Tribunal, NSW Attorney-General's Administrative Decisions Tribunal, NSW A-G's Criminal Law Review Division, NSW DPP Court of Criminal Appeal Unit and NSW DPP Operations Group, NSW Law Reform Commission, NSW Public Defenders Office, Public Interest Advocacy Centre, Refugee Advice and Casework Service, Warringa Baiya Aboriginal Women's Legal Service, and Women's Legal Resources Centre.

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DETAILS

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university of sydney cont'

2. LAWS 3071 Practising in the Public Interest

8 credit points.

Unit Coordinator: Graeme Coss.

Semester: 1.

Classes: A five-day intensive prior to the commencement of semester, three 2hr seminars held during the semester, and weekly attendance at a placement site.

Department permission required for enrolment. There is a quota on enrolments in this unit (between 8-10 students). Preference will be given to students in Year 4 (Graduate Law 2).

The unit consists of the following components:

- A five-day intensive offered prior to the commencement of semester in conjunction with the Public Interest Advocacy Centre and the Public Interest Law Clearing House;
- A volunteer placement over the course of the semester at a public interest site selected by the student and approved by the unit coordinator;
- Three seminars held periodically during the semester;
- Completion of a project, approved by the unit coordinator, designed to be of benefit to the volunteer placement site.

1. The five-day intensive consists of:

(a) three days of instruction, primarily through a workshop format, and two days at a placement site. The topics covered in the workshops include:

- introduction to public interest law;
- defining systems advocacy in the public interest;
- government structure, roles and powers, and points of access for advocates, campaigners and lobbyists;
- motivating politicians;
- parliamentary process and points of access for advocates;
- participating in and challenging formal decision-making through processes;
- public policy development and analysis;
- public interest legal strategies: test cases, class actions and amicus curiae;
- human rights: an introduction to political and economic covenants and principles;
- public interest law internationally;
- accessing justice: legal aid, pro bono, community legal centres

(b) two days of placement, wherein each student will be placed with either a law firm which undertakes public interest litigation or has an established pro bono practice, or with the pro bono section of the Law Society or Bar Association.

2. The three seminars held periodically throughout the semester will focus on group discussion and reflection on issues pertaining to practising in the public interest.

The overall mark in the unit is assessed on a pass/fail basis.

The five-day intensive component will incorporate a nationally accredited course, *Work the System: An Introduction to Advocacy*, on which students will be assessed through a short answer and multiple choice questionnaire. Further, students will be required to demonstrate satisfactory attendance at the volunteer placement. Finally, students will be required to complete a project that will be of use to the volunteer placement site. The nature of the project will depend on the specific needs of the placement.

UNIVERSITY OF TECHNOLOGY, SYDNEY

The University of Technology, Sydney (UTS) is an accredited provider of practical legal training in New South Wales. It offers courses in practical legal training which would lead to admission to the Supreme Court of NSW as a legal practitioner.

The Professional Program comprises an 18 week fulltime course (or one year part-time) followed by sixteen weeks of practical experience. It is possible to complete one half of the practical experience requirement prior to commencement of the course. The Professional Program may be undertaken on campus or by way of distance learning. The distance mode requires attendance on campus for a total of ten days.

The UTS Law Faculty and University Union also fund a Community Law and Research Centre. Students participate (on a voluntary basis) in taking instructions in non-commercial legal matters for UTS staff and students, supervised by the Centre's in-house solicitor. In addition, the Centre conducts research for local community groups.

DETAILS

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UNIVERSITY OF WOLLONGONG

The subject Lawyers & Australian Society, a compulsory subject in the Bachelor of Laws degree, includes a practical experience component of 40 days' professional experience under the supervision of a lawyer (the placement supervisor) in two different workplaces arranged by the Faculty of Law. Normally there will be two placements of four weeks each during successive summer sessions. Placements have been arranged with solicitors' firms, barristers' chambers, the Legal Aid Commission, a range of government offices including the DPP and the Public Defender, Tribunals and Commissions, the Legal Aid Commission and other community legal centres, judges and corporations.

The placements are not intended to teach students how to be lawyers, but to provide an understanding of the human, social and policy context of law and legal practice.

The objectives of the placement program are:

- to expose students to the law in at least two elements of its operations, and in contexts where each student will come to perceive aspects of law which cannot be learned from reading or hearing about it;
- to allow students to perceive ways in which the formal learning they do at University may be applied in practice and therefore to develop an appreciation of the practical dimension of legal principles;
- to enable students to relate the different areas of legal practice to the importance of developing the skills of legal research, communication, drafting, practice management and problem solving; and
- to enable students to observe and reflect upon the values, ethical standards and conduct of the legal profession in practice, and to develop their own attitudes of professional responsibility.

Students and placement supervisors receive an instruction booklet which explains the program, and its various elements. Students can expect to be directly involved in the work of the placement office, including interviewing, legal research, and interaction with clients and other people in the normal course of legal work.

During each placement the students must maintain a detailed diary recording the professional activities in which they have taken part and their observations on that experience. Students must also submit a written report, which assesses how an element of practice observed during the placement affects the operation of formal rules of law.

The placements are recognised as part of the professional experience component of the University's Practical Legal Training Course, which is an accredited postgraduate course leading to admission as a legal practitioner in New South Wales.

DETAILS

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