

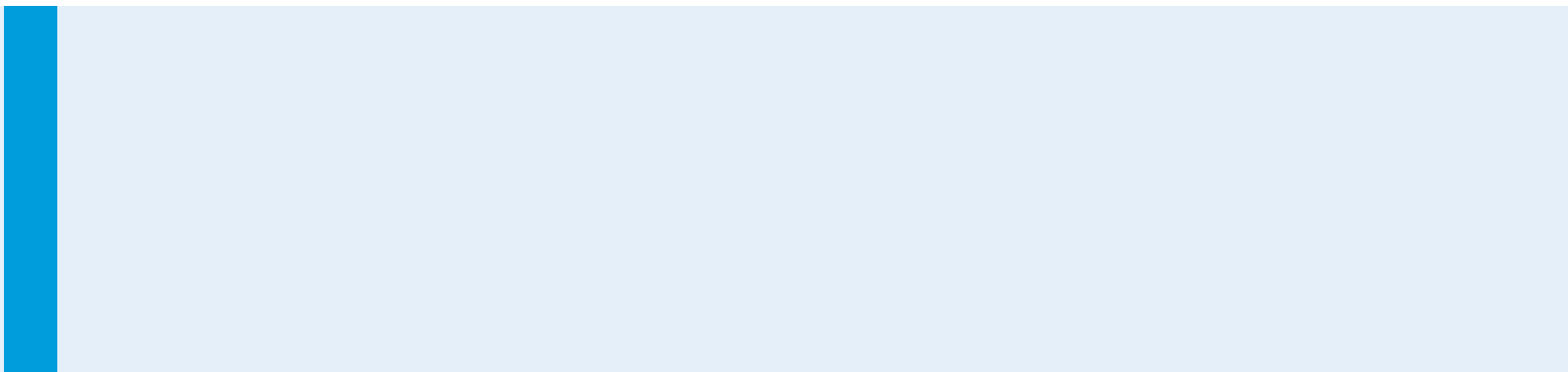
# Clinical Legal Education

## Guide 2001/2002

Your Guide to CLE Courses offered by Australian Universities in 2001 and 2002



THE UNIVERSITY OF  
NEW SOUTH WALES  
KINGSFORD LEGAL CENTRE



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# Introduction & Foreword



This is the fifth edition of the Guide to Clinical Legal Education courses offered by Australian Universities.

As you can see from the entries in this Guide, clinical legal education is now firmly on the agenda of Australian Law Schools. Law students nationwide have the opportunity to consider issues relating to ethical practice, the lawyer/client relationship and the operation of substantive and procedural law in the context of providing much needed services to disadvantaged clients. Students are also involved in law reform and community legal education projects designed to make our legal system fairer and more accessible.

The benefits of clinical legal education programs are significant. We hope this Guide is of assistance to educators and students.

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Deakin University runs the course *Law Clinic* for six students each semester. The course is conducted at 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.

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*Griffith Legal Centre students pose for a happy snap after completing court appearances*

In 2001, Griffith University Law Faculty ran four clinical programs. The clinical subjects (with the number of students who will participate) are:

1. *Advanced Family Law – Clinic*  
12 students – offered 2 or 3 semesters per year
2. *Alternative Dispute Resolution – Clinic*  
12 students
3. *Legal Clinic*  
6 students – offered 2 or 3 semesters per year
4. *Semester in Practice*  
15 students

The *Advanced Family Law – Clinic* operates with funds provided by the Commonwealth Attorney-General's Department. The remaining clinical programs are funded by the University. *Legal Clinic* and *Semester in Practice* both run for a thirteen week semester. *Alternative Dispute Resolution – Clinic* is a year long subject.

The Griffith clinical programs have a number of common objectives:

- to develop the students' critical understanding of the legal system and the role of lawyers within that system;
- to develop and refine skills considered elsewhere in the Griffith law program; and

- to provide a practice-based learning experience designed to encourage students to think reflectively and complement the range of other teaching methods used in other subjects within the Griffith law program.

Details of the subjects are as follows:

### **Advanced Family Law – Clinic**

This subject was established in Semester 2, 1999 with the support of funding from the Commonwealth Attorney-General's Department. Barbara Hook has been employed as a lecturer by the Griffith Law School to coordinate this subject and supervise the students involved. The subject is currently being offered for a summer semester, with the assistance of Kate Chapple.

This subject involves students being rotated through two placement sites during the semester. Students spend time on placement at the Queensland Open Learning Network, taking part in advising people from remote rural communities in relation to family law issues. Students also take part in specialist Family Law advice sessions run at Caxton Legal Centre on Wednesday evenings.

In addition to the placements, the subject involves eight two-hour seminars. To participate in the subject, students need to have completed or be enrolled in the *Family Law* elective subject.

Assessment for the subject consists of placement performance (50%), joint law reform policy submission or community legal education project (30%) and seminar presentation and participation (20%).

### **Alternative Dispute Resolution – Clinic**

Students work at the Alternative Dispute Resolution (ADR) Branch of the Department of Justice. The purposes of the subject include enabling students to improve their understanding of the use of various forms of alternative dispute resolution in legal processes.

The subject is taught by way of a one-week block of intensive teaching (9.00am - 5.00pm each day) in the

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week prior to the start of Semester 1, 2001. This teaching is done by mediation educators from the ADR Branch and the subject convener, Jeff Giddings. Pairs of students then participate in four-week placements (two days per week – Monday and Friday) with the ADR Branch. There are also fortnightly seminars during first semester at which students make presentations.

Assessment for the subject consists of participation in the Intensive Teaching Mediation Workshop (20%), placement performance (40%) and seminar presentation and participation (40%).

## Legal Clinic

This subject involves students working at Caxton Legal Centre, New Farm. Students interview clients, prepare legal documents and legal advice for clients, write letters and undertake research on cases. In this work, students are supervised by Jacqui Wilson, a sessional Griffith staff member, with additional supervision being provided by the three salaried solicitors employed by Caxton Legal Centre.

In addition to the weekly advice sessions at Caxton Legal Centre, students represent a Caxton Legal Centre client at the Brisbane Magistrates Court in the second last week of the subject. Students work on law reform or community legal education projects. Recent joint projects have included a review of “independent living units” for older persons and a review of recent changes to the Queensland law in relation to unfair dismissal.

Assessment for the subject covers placement performance (50%), the joint law reform policy submission or community legal education project (30%) and small group presentation and participation (20%).

## Semester in Practice

This subject places students in work places 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 consultancies 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 subject convener to discuss the placements, there are eight seminars. The seminars are designed to consider issues related to comparing and contrasting 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 subject covers performance with host organisation (50%), placement report (25%) and seminar presentations and participation (25%).

At the conclusion of each of these subjects, the students complete written evaluations of the subject and the teacher.



*Griffith Advanced Family Law - Clinic students with their Certificates of Completion.*

The *Clinical Legal Studies* course at James Cook University has been running since 1996. This subject is run in conjunction with the Townsville Community Legal Service Inc. (TCLS) and the success of the course is largely attributed to the staff of the TCLS and the numerous volunteer solicitors giving generously of their time.

The subject runs over a semester and presently caters for 16 students. Students receive approximately 30 hours of theory in the first three weeks of the subject. Theory topics include ethics, legal practice matters, interviewing techniques, drafting and revisiting substantive law in a practical light. In these first few weeks students also observe “real life” clients interviews. For the remainder of the course the 16 students are split into 4 groups of 4. These groups meet every alternate week for a day at the TCLS conducting interviews with full supervision. A solicitor sits in on the entire interview. The client is asked to wait in reception before advice is given so that the student and the solicitor can discuss the advice to be given. In the final few weeks students conduct interviews themselves. The interview structure does not change – all advice is checked with a solicitor before it is delivered.

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. To date, 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, Townsville), Gay and Lesbian Rights (1996), Legal Issues for People with a Disability (1996), Family Law Information for Community Workers (1997), Legal Issues Affecting the Elderly (1997), The Legal Procedure on Making a Rape Complaint (1997),

Youth and the Police – Rights and Responsibilities (1998) and Tenancy Issues (1999).

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

- 30% Client Interviewing Performance
- 20% Professional Log
- 20% Legal drafting and file management
- 30% Policy work (Group projects 6,000 to 10,000 words)

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*Tony Parsons, Managing Director of Victoria Legal Aid visiting students from La Trobe's Legal Practice and Conduct clinical programme at the clinic at VLA Preston office.*

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 Community Legal Service. This relationship continues today. Additionally, the School of Law and Legal Studies now works with Victorian 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 acquired but skills training is not the primary focus;

- there is substantial supervision by School of Law and Legal Studies teachers;
- there is a classroom component as well as the workplace clinical experience; and
- 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 – 2001**

### **Legal Practice and Conduct – LAW40LPC** (semesters one and two)

In this clinical program students work at the local Preston office of Victoria Legal Aid under the supervision of Judith Dickson, lecturer ([j.dickson@latrobe.edu.au](mailto:j.dickson@latrobe.edu.au)). Students run a clinic within the practice and are responsible for the conduct of 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 Preston and Heidelberg Magistrate Courts.

In the course of these three areas of work, students have the opportunity to observe and are encouraged to reflect on the way in which 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.

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## **Clinical Legal Education – LAW10CLE**

(first, second and summer semesters)

In this subject, students spend time at the West Heidelberg Community Legal Service under the supervision of Liz Curran, Lecturer (e.curran@latrobe.edu.au).

This semester length subject is offered throughout the year. It carries 30 credit points (two law electives). The focus of the subject is the practice of poverty law and implicitly, the legal needs of the poor. A major component of the course is a clinical placement at the West Heidelberg Community Legal Service. This course examines how a practitioner's duties and ethics relate to day-to-day legal practice and looks at the involvement of lawyers in the broader context of service to the public, law reform, access to justice and the role of human rights in practice. The variety of legal problems that the clients of the legal service experience provides an opportunity for students to observe the importance of holistic approaches to resolving often complex issues and the importance of quality, competent and careful advice.



*Tony Parsons, Managing Director of Victoria Legal Aid with students from La Trobe's Legal Practice and Conduct clinical programme, Liz Langdon, solicitor in charge at the Preston office where the programme is based and Judith Dickson La Trobe clinical supervisor.*

## **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, which 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 mediation session under the supervision of an experienced family law mediator.

Tom Fisher, Senior Lecturer (t.fisher@latrobe.edu.au) coordinates the suite of 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.

Students also work on community development and law reform projects.

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.

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.

## 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 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.

The subject is offered three semesters per year.

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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. In 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 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 Services 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.

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 85% of assessment based on work at the Clinic, 15% for 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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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 receive 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.

## **Advantages to the students**

At the end of this unit, students will have:

- acquired an understanding of the professional and personal responsibilities required for the practice of law;
- observed and participated in legal problem solving arising from real case files;
- been exposed to non-legal issues that confront practitioners;
- been introduced to practical aspects of the practice of law such as legal writing, advocacy and time management; and
- been introduced to inter-personal skills required in the practice of law and understand that the practice of law is a people-based profession.

Assessment consists of the submission of a journal of the student's placement activities; preparation of a research paper on a matter arising from their placement; and evaluation of their performance during the placement. The primary responsibility for supervision rests with the supervising solicitor at their placement. However the Law School maintains close monitoring to ensure that the educational objectives of the course are met.

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The Queensland University of Technology (QUT) offers the *Legal Clinic (Organised Program)* to its students. The course lasts for one fourteen week semester.

There are fourteen students enrolled in the course. Students spend seven hours in the clinic 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. There is also one hour of formal, small group discussion devoted to providing the students with an opportunity to reflect on their experiences in the clinic and their own effectiveness as advisers, problem-solvers and representatives. There are six staff involved in the direct teaching of the course. The staff are lecturers and facilitators.

The clinical work undertaken by the students is supervised by officers of Prisoners' Legal Service and Legal Aid Queensland. The students interview and give advice to clients, provide representation for clients, work on clients' files, 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 responsibilities 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 survey.

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The University of Adelaide runs a clinical course for approximately 20 students each semester, and may offer a summer course in alternate years. Students are placed with community legal centres, the Magistrates Court, the Legal Services Commission, and the Residential Tenancies Tribunal, for one day a week. 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. Seminars are held on professionalism, legal ethics, communication, lawyers' relations with clients, access to justice and related issues. Prior to their placement students attend a one day orientation/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 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.

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## Overview of Clinical Legal Education

Students at the Law Faculty at the University of Newcastle have Professional Training and Clinical Legal Education incorporated, to some extent, into every year of their Law Degree.

In the final two years of their Law Degree, having completed a degree in another discipline, students formally enter the "Professional Program". In 2000 there were 102 law students in the Professional Program. The Program consists of placement at various legal offices throughout the Hunter region and also a number of intensive Clinical Legal Education components. In addition students are studying substantive law subjects. At the completion of their studies, students at the Law Faculty of Newcastle University are entitled to receive their Law Degree (LLB) and also a Diploma of Legal Education.

## Professional Program

All students in the Professional Program are required to attend legal professional placement.

The Faculty 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 the 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 needs. It also acts in matters of public interest.

The UNLC is an important part of the Clinical Legal Education of law students at the University of Newcastle Law Faculty. 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. 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 six Advice Days at the UNLC. They take instructions from the client under supervision and the supervising solicitor then discusses the issues privately with the students. The solicitor then returns with the student, to the client, and gives the appropriate legal advice.

All fifth year students are expected 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 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 University of Newcastle Legal Centre. The Legal Aid Commission conducts a civil practice and the Many Rivers Aboriginal Legal Centre conducts a criminal practice from the offices of the University of Newcastle Legal Centre 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.

In relation to legal professional placement of students, the Law Faculty at the University of Newcastle, is greatly supported by private law firms and government organisations. Law students attend

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placement at a large number of private Newcastle, Hunter Valley and Central Coast law firms. They also attend legal professional placement with government organisations such as the Office of The Director of Public Prosecutions and the Legal Aid Commission of NSW, among others.

## 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 Week. During this week students undergo a number of intensive programs in relation to a variety of matters including, among other things, Professional Ethics, Alternative Dispute Resolution, Communication Skills, Interviewing Skills, Affidavit Intensives, Drafting Intensives, Advocacy Intensives and the like.

In Orientation Week, there are keynote addresses at the commencement of every day by eminent persons. These have included senior members of the Judiciary and the Magistracy, the President of the Law Society, Ms Margaret Hole, the Legal Services Commissioner, Mr Steve Mark and the General Manager of the Legal Aid Commission, Ms Margaret Allison.

There are approximately twenty 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, Cost Effectiveness, 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 and knowledge and ethics acquired in the course, in their professional lives.

The main overall objectives of the component are:

1. to develop skills, competencies and practical knowledge which will enable students to conduct a variety of matters upon entry into the legal profession;
2. 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
3. to facilitate understanding of ethical and professional responsibilities in relation to the general areas of legal practice.



UNSW *Clinical Legal Experience* and *Clinical Program - Employment Law* students outside Kingsford Legal Centre.

The University of New South Wales Law Faculty offers five 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*; and
- *Clinical Legal Education Program – OzNet Law*.

## Clinical Legal Experience

The 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 enquires 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. These 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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- 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 case-work 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 receive one of two results for this subject: Satisfactory Completion, or Fail. Students are interviewed on a one to one basis in week 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 will require 8 students each session to attend 2 days a week and will allow students to 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 will

also benefit from the availability of assistance in a field where there are few resources.

A number of private law firms have agreed to provide solicitors on a rostered basis to provide employment advice at the Centre. This will allow students to work with a variety of lawyers as well as providing more assistance to clients.

The course runs three times a year and is coordinated by Joanne Moffitt.

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

### **Objectives**

The objectives of the Oz NetLaw program are:

- 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 practiced in a strongly technological environment;
- to develop the student's critical understanding of the legal system and the role of lawyers within that system;
- to develop student's interviewing and communication skills and to gain an understanding of the issues involved in providing legal advice; and
- to develop student's research and writing skills and knowledge of Internet Law.

### **Student requirements**

Students are required to:

- attend at CLC at least one day each week of the semester;
- spend another day a week working on-line (not necessarily at the CLC);

- prepare written work including legal research articles for *Communications Update* and *The Internet Law Bulletin*; and
- assist lawyers with casework.

### **Nature of work**

Under the supervision of a lawyer students undertake:

- legal research;
- interviewing and advising of clients
- writing of articles; and
- general conduct of client files.

Students will also provide administrative support to lawyers.

### **Group discussion**

The first hour of the day at the CLC is spent in group discussion about research and casework with relevant lawyers.

### **Number of students**

Initially four students will be enrolled only. In the first semester the website and legal practice will be launched. There will therefore be limited time to supervise students. There is also quite limited space at the CLC office for students to work.

### **Assessment**

To be discussed. Because of the early stage of development of the practice there may have to be at least 50% of the assessment based on research and written work with the balance on assistance with casework.

The 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 2001-2002 *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 University.

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 undertake 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.

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Kieran Tranter, Social Justice Coordinator – *Ethics for Lawyers*

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## The University of Queensland Clinical Legal Education Program

The Dispute Management Centre at the Law School of the University of Queensland has introduced a Clinical Legal Education program, which will allow students to gain live clinical experience while completing their legal studies.

This program has to date focused on two areas of practice:

- Family Law Mediation
- Indigenous Mediation

### Clinical Legal Education Program - Family Law Mediation

This program will be available in the second semester 2002.

The Dispute Management Centre is developing a clinical program in family law mediation. Students who have completed a basic mediation course will be eligible to undertake this program.

The students will undertake an intensive family law mediation workshop on the 28th of August and 4th of September, which will focus on intake and assessment skills in compliance with the standards set by Regulation 62 of the Family Law Regulations.

Students and their supervisor will attend the Brisbane Office of Legal Aid Queensland on rotation one morning per week during September and October 2002. They will conduct a pre-mediation/conference intake with parties referred to them by Legal Aid's advice solicitors and conference coordinators.

The students will assess the parties for domestic violence issues, power imbalances and the suitability to undertake a conference. The students will also be able to refer the parties, where appropriate, to counselling, anger management and mediation at privately funded organisations such as Relationships Australia and Anglicare.

The supervisor will be in the room observing the students working with the parties.

If the matter is deemed suitable for a Legal Aid conference (a form of mediation) and if the parties consent to the student being present in the conference then the supervisor, Greg Rooney, will chair the conference with that student in attendance.

### Assessment

Learning Journal 60%  
Assignment 40%

### Clinical Legal Education Program - Indigenous Mediation

This is a continuing program which will become available when the next stage has been developed.

This subject was first introduced in December 2000. Indigenous and non-indigenous students undertook a five-day intensive training in indigenous focussed mediation. The training took place in the West End area of Brisbane.

The training focussed on culturally appropriate ADR Mediation programs for indigenous cultures. An indigenous reference-working group was set up to monitor the project. The members were made up of representatives from local Aboriginal services providers.

The next stage of the project will be to work with an indigenous community, at a grass roots level, to empower and recognise the way that they deal with conflict.

Students can forward an expression of interest in participating in this program by contacting Greg Rooney on [g.rooney@mailbox.uq.edu.au](mailto:g.rooney@mailbox.uq.edu.au).

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The University of Sydney, Faculty of Law, offers two external placement units of study.

## 1. External Placement Program

In 1996 the Faculty of Law at the University of Sydney introduced an elective internship program for undergraduate law students. The course is offered each semester. The educational objectives of the course are that students:

- acquire a better sense of the professional and personal responsibilities associated with the practice of law;
- develop an appreciation that the law is a people profession;
- observe and participate in a high level of problem solving flowing from real case files;
- develop the character and habits of a reflective practitioner; and
- interact with legal professionals in a flexible learning environment.

As well students will be:

- introduced to the basic interpersonal skills involved in the practice of law; and
- introduced to aspects of the practice of law such as legal writing, legal research, advocacy and time management.

Students enrolled in the course are placed in public interest legal sites under the supervision of a site supervisor. Students are required to spend one day per week at a placement site in the course of a thirteen week semester. In addition, every two weeks students are required to attend a two hour seminar. The seminars are designed to provide peer support, and to introduce students to a range of legal skills, such as client interviewing, negotiation, legal writing and legal research, cross-cultural communication, etc. Students receive a numerical grade. The assessment consists of a research paper (50%), seminar performance (20%), performance at the placement site (20%), self assessment (10%) and the maintenance of a reflective journal (pass / fail).

The program currently hosts an active and well used web site (see: <http://www.law.usyd.edu.au/EPP/main.htm>). Internet based conference facilities and Internet based materials are used concomitantly with the existing course to ensure that students at remote sites can participate in the seminar program. An Internet based bulletin board and individual student e-mail accounts allow students to interact with each other, with academic staff, and with site supervisors.

## 2. Clinical Environmental Law

This unit of study is focussed on providing practical experience in the implementation of Environment Law. Students are required to work on cases at the Environment Defenders Office (EDO) under the supervision of specialist solicitors for a least half a day a week over a period of eight weeks. They may also be required to work on aspects of community legal education initiatives of the EDO, and a special program arising out of the EDO's membership of ELAW – the Environmental Law Alliance worldwide.

The unit includes visits to some of the main institutions implementing environmental law and policy, including the Land and Environment court, the Office of the Commissioners of Inquiry and the legal section of the New South Wales Environment Protection Agency. The unit also involves a series of special lectures on environment litigation, legal aid, alternative dispute resolution and research.

## 3. Practicing in the Public Interest

The Faculty of Law, in conjunction with the Public Interest Advocacy Centre and the Public Interest Law Clearing House, offers a five day Summer School and research project on Public Interest Advocacy. The educational objective of the school is to provide students with the opportunity to learn more about systems of advocacy and public interest law, as well as gain some experience in organisations that are directly involved in public interest and pro bono litigation and public policy making.

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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.

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The University of Western Australia offers a specialised clinical legal education program to law students within the curriculum for Sentencing and Criminal Procedure units offered generally to third and fourth year law students.

The program offers students the opportunity to participate in the Unrepresented Criminal Appellants Scheme (UCAS), which is a two year pilot scheme supported by The Ministry of Justice and the University, with the assistance of the legal profession.

Students electing to be involved with UCAS perform the following tasks in groups (or “firms) of four or five students.

1. attend the state’s prisons (under the guidance of a supervising solicitor) after approval has been granted to assist an unrepresented appellant;
2. interview that prisoner and take instructions;
3. research the likely grounds of appeal;
4. obtain transcripts of trial proceedings;
5. prepare draft grounds of appeal and outlines of submissions;
6. prepare a brief to be settled by the supervising solicitor; and
7. prepare appeal books.

Members of the legal profession volunteer to argue the appeal pro bono. Students through the supervising solicitor brief the volunteers, to appear, and attend to observe appeal hearing.

Students are expected to develop a range of skills including;

- planning and drafting skills;
- functional analysis of legal rules;
- interviewing skills;
- case management skills; and
- practical awareness of the appeal process.

Students are assessed on their participation in the scheme and the skill levels reached.

The scheme has a part time co-ordinator, part time supervising solicitor and a part time administrative assistant.

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Website: <http://www.law.uwa.edu.au/ucas/default.html>

The subject *The Legal Profession and 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 work places 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 post-graduate course leading to admission as a legal practitioner in New South Wales.

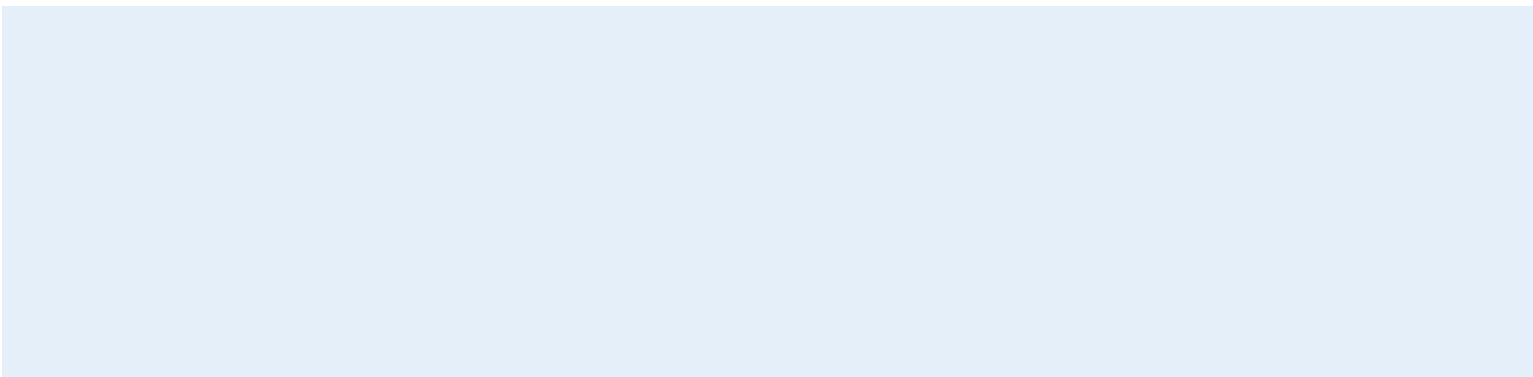
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THE UNIVERSITY OF  
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