Latest News in Experiential Learning

Some great developments in the experiential learning programs at UNSW with new clinics, new internship programs and partners, reports from moots and mediation competition.

Students on the summer program at Redfern Legal Centre

“I think the most startling thing I have come to realize or learn is the impact the law has on people in their everyday lives. Over the last two years I have read countless cases, hundreds of judgments, and listened to hours upon hours of lectures about the law. However as much as I read and listened, I was never able to put a face to any of it. Therefore I had an abstract notion of the law, which was more about rules and ratios then the people themselves. Being on the “front line” of the Redfern Legal Centre, I have been given the opportunity to obtain a kind of insight into how these laws and ratios effect people and the severe repercussion judgments can have not only on the individual but their families.

This course has not only given me an insight into the impact of the law but has fostered a kind of empathy which I could have never developed reading cases and listening to lectures at university.” - Student comment (the summer program at Redfern Legal Centre)

Developments in the experiential teaching program at UNSW in the last few months are:

1 New internship programs in Public Interest Internships (LAW3308, JURD7308)

We have developed a number of new internship programs in new areas of law as well as increased those in social justice and rights organisations.

The Administrative Appeals Tribunal Mentoring Scheme

The Mentoring Scheme for UNSW Public Interest Interns will commence in semester 2 2011 and will see UNSW students on placement at the Tribunal. This is an important professional development program. It affords students interested in administrative law with the opportunity to:

- develop an appreciation for the professional and personal responsibilities associated with the practice of merits review;
- observe and participate in a high level of problem solving flowing from the development of policy and/or legal practice;
- develop the skills to evaluate the impact of administrative law on individuals, communities and the Australian society as a whole; and
- practice speaking and writing effectively in a legal context.

The scheme will assist the UNSW Public Interest Interns to better understand the workings of the Tribunal and the role of all players within it, including Tribunal users. They will gain an appreciation of the Tribunal’s overall objectives of providing high quality merits review of administrative decisions which is fair, just, economical, informal and quick.

The Mentoring Scheme’s model of individual assigned mentoring includes the requirement that mentors, who volunteer to take up their role, are all experienced administrative law practitioners with good interpersonal skills and are willing to share their experiences with the UNSW Public Interest Intern being mentored. Thus, all mentors are capable of providing encouragement and advice together with regular feedback and constructive criticism. The mentors are, in effect, coaches and role models for the mentees.

Financial Services Institute (FINSIA)

This internship offers students the opportunity to work with the Policy Section of the Financial Services Institute (Finsia). Finsia is Australasia’s premier membership organisation for the financial services industry with over 16,500 members working in all sectors of the financial services industry. Finsia generates campaign-based policy initiatives to drive forward and strengthen the industry by leading industry-wide discussions and instigating research on issues affecting the financial services industry. Finsia has four specialist technical advisory groups that debate industry issues, regulatory challenges and standards of professional conduct: Corporate Finance, Financial Markets, Managed Funds & Superannuation, and Consumer Finance. The Policy Section coordinates these policy committees and forums. It also coordinates Finsia’s formal responses to government and regulatory inquiries.
Financial Planning Association (FPA)
The Financial Planning Association is a financial industry self regulatory organisation which provides policy making, education and promotional services to its 16,000 financial planning members. It has a Code of Professional Conduct which along with the Corporations Act governs the conduct of financial advisers and their businesses. The Conduct Review Commission is the Financial Planning Association’s disciplinary panel, and conducts investigations of complaints, issues breach notices to members if warranted, conducts hearings into member conduct and issues determinations and declares sanctions if deserved. It has recently been the first regulatory body in Australia to impose a regulatory sanction on Mr Emanuel Cassimatis relating to the failure of Storm Financial Pty Ltd.

Students work with the Chair of the Conduct Review Commission, assisting with assembly of factual materials, research of legal points, and drafting of determinations in cases before the Conduct Review Commission. Students may also assist with redacting determinations for publication on the Conduct Review Commission’s webpage on the Financial Planning Association’s website and like auxiliary tasks.

Football Federation Australia
Football Federation Australia (FFA) is the governing body of football (soccer) in Australia and a member of Fédération Internationale de Football Association (FIFA), the international governing body for football. FFA is responsible for the Australian men’s and women’s national football teams and the conduct of the Hyundai A-League, Westfield W-League and National Youth League competitions in Australia. The FFA conducts a range of commercial legal transactions, including licensing, sponsorship and service agreements; as well as negotiations with professional players on their terms of engagement.

This internship will offer students the opportunity to work with lawyers on commercial and regulatory legal matters that arise in a football competition, and in running a sport generally. There will also be an opportunity to assist with the preparation of tribunal proceedings.

Aboriginal Legal Service
Students doing this internship will be involved in criminal work such as:

- Preparing trial and hearing briefs for advocates (or counsel
- Reading, analysing and noting up briefs of evidence
- Preparing evidence and organising witnesses for Local and Children’s court matters

District Court Trials, Appeals and Sentences and Supreme Court bail applications
- Assisting solicitors in court attendances
- Drafting submissions for courts on legal and factual matters

They will also be involved in research and major project work, community legal education or law reform work.

Thanks
Thanks to Amanda Lennstaal and the National Pro Bono Centre new internships have been commenced at National Association of the Visual Arts and NSW Cancer Council Legal Referral Service.

Thanks to Scott Donald and Deborah Healey and Jill Hunter we have students placed in FINSIA, FPA and FFA and the ALS. There were a large number of applications for these internships and in some cases applicants were shortlisted and had to go through interviewing processes.

Partnership with Redfern Legal Centre
UNSW Law School and Redfern Legal Centre have developed a partnership which has so far 2 programs

1. Administrative Law/Housing Advocacy Clinic
We are developing an administrative law clinic in housing law. As part of this clinic students will (under supervision of the Centre) interview clients, manage case files, draft correspondence and Tribunal documents, prepare cases for tenants and actually have the opportunity to appear in the Tribunal and argue cases.

This will give students exceptional opportunities to develop advocacy skills while assisting disadvantaged clients who cannot get assistance otherwise.

2. Redfern Legal Centre Summer Program
Students were involved in the first summer program at Redfern Legal Centre which will be ongoing. RLC has as part of its service a general legal service, a tenancy advice service, a women’s domestic violence court advocacy service (which delivers services to four Local Courts) and three part-time student legal services (undergraduate and postgraduate students at Sydney
University and the Sydney Institute of TAFE, which extends from Petersham to Ultimo to Randwick and to Gymea.

Students attended the Centre one day a week and attended fortnightly classes at the Law School where they would be given readings and discuss issues such as structures and functions of government and non government legal aid services, interviewing, dealing with “difficult clients”, disability rights, etc.

The student’s presentation took the form of training for new volunteers at the Centre on confidentiality and conflict of interest issues.

Students’ reactions to the program were very positive. All 5 have stayed on at RLC to be volunteers. Two comments from students: “...the experience at RLC has shown me that in society, there are many people that need assistance to live basic lives. The centre’s clients are generally disadvantaged in a variety of ways - I have found many of the clients to be in very sad and difficult circumstances. It is my view that society generally is broadly unaware of the difficulties that some people face and thus do very little to assist.

“As mentioned, working at Redfern Legal Centre for the past 13 weeks or so has been a great learning experience for me. I feel that I’ve achieved a lot of my initial goals that I set prior to the start of the internship. I have made vast improvements in my verbal, listening, and problem solving skills. However, the most important thing I’ve learnt from this experience is the fact that I’ve learnt a lot about myself. Overall, I feel I’ve learnt so much working at the centre, I have a better understand of what I’m capable of doing, exposed my strengths as well as weaknesses, and putting me once step closer to a career in criminal law.”

Women’s Legal Service
We have set up an ongoing partnership with the Women’s Legal Service. Women’s Legal Services NSW is a state-wide specialist community legal centre. They provide free, confidential legal advice, undertake some casework, and provide community legal education. They also advocate for law reform to improve the protection of women’s rights. Legal services are provided by telephone and by outreach clinics, in Women’s Health Centres and also by visiting women in prison.

The Service incorporates an Indigenous women’s Legal Program and a domestic Violence Legal Service as well as our general services.

The focus is on women who are most disadvantaged, particularly Indigenous, CALD, disabled and isolated women. In casework they focus on assisting those who have suffered sexual assault, harassment or discrimination, have survived child abuse or are dealing with domestic violence and family breakdown. They also assist those who are trying to make post-separation agreements about arrangements for their children.

Students from UNSW enrolled in the Public Interest subject will assist the law reform and policy officer with legal research, analysis of our own casework records, and drafting submissions to various law reform bodies and government enquiries.

Postgraduate Human Rights Internships
Students over summer and this semester will be undertaking research projects under academic and workplace supervision for the St James Ethics Centre, Edmund Rice Centre, PEN, Disability Discrimination Legal Centre and Amnesty International

Teaching Program in Internships
A discussion paper on changes to the internship programs at the Law School has been circulated for discussion. Proposed changes include strengthening the teaching program in the internship subjects and a move away from individual academic supervision of internship students to regular seminars.

ICC International Mediation Competition - Expanding experiential learning
Rosemary Howell
UNSW has been invited to participate in this annual competition for 5 years and during that time we have continued to enhance the students’ experiential learning during their preparation.

This year’s team of Melissa Hanks, Anastasia Hardman, Daniel Jacobs and Eddie Gandevia beat 42 other universities (including Harvard and the last 2 year’s winners) to come in the top 16. We also won the award for Best Teamwork. We were beaten by the team who went on to be finalists.’

The competition itself provides a valuable learning experience. Using mediation case studies (based on real life scenarios) it engages students as lawyers and parties in a number of mediations in the presence of experienced international mediators. In the beginning, students received formal and informal training in the process from me and from other experienced mediators and lawyers in Sydney. They also practised their mediations against teams of students who had studied in the Dispute Resolution program at UNSW.

For the past 2 years I have been able to persuade a number of law firms to provide a more realistic experience for the students with mediations occurring in real-time in law firm boardrooms using law firm partners, senior associates and experienced mediators.
This year Freehills, Allens Arthur Robinson, Clayton Utz, TressCox, Hunt & Hunt participated, as well as Robert Angyl SC and Dr Simon Chapple of Counsel participated. More law firms have expressed interest to assist this year.

Jessup Moot 2011

I don’t think any of us knew what we were in for when we signed up for the Jessup International Law Moot. The whole experience took approximately 6 months. Yet the glorified image of being a Jessup moooter disappeared after the first 4 days. Reality sank in, along with the never-ending reading lists and countless practice moots. Not to mention clerkship commitments for those who had them.

However, being part of the Jessup Moot is much more than spending your days and nights in the Moot Court. The work is tough but thoroughly rewarding. We were supported along the way by two stellar coaches and gained valuable experience in legal research, drafting legal arguments and oral advocacy. In addition, we had the opportunity to engage with contentious and fascinating issues in international law, expanding our horizons far beyond the classroom.

Beyond the academic endeavour, the best part of the experience was the friendships we developed among our team, with our coaches and fellow Jessup moooters from other universities. We highly recommend involvement in the Jessup Moot to any law student – it will be a fun and rewarding experience and the highlight of your time at UNSW!

The Jessup Team 2011

NEW UNSW Professional Development Network
Frances Gibson has joined the new UNSW Network of Professional Development Educators. There are representatives from medicine, Health sciences, COFA, Arts, Social work on the network which is for academic and professional staff who are involved in professional placements, industrial training, internships, volunteering, mentoring and other work integrated learning opportunities for students. The network group will meet regularly to share best practice and participate in focussed discussions on topics such as preparation of students, Teaching / Supervision, Career Development Learning Assessment Evaluation Systems, Legal & Risk.

Professional Placement Education course
The University is developing a course for professional placement educators and Anna Cody and Frances Gibson are undertaking this course as a pilot to see how it can be adapted for use in law. The course has been developed as an online course and also as face to face.

When the course is ready it will be a very useful course to offer supervisors of law students on internships and the university has agreed to offer the course free to organisations who take a UNSW intern which will be a good way to increase the supervision skills of supervisors and allows us to offer some training to external organisations.

Research
Experiential and Clinical Conference
UNSW will be hosting a national conference on clinical and experiential learning in September this year. The conference has already attracted interest from local and international clinical lecturers.

Excellence and Innovation in Legal Education
Frances Gibson has been requested to write the section on clinical legal education in a new book LexisNexis has commissioned Excellence and Innovation in Legal Education. Sally Kift, Jill Cowley, Penelope Watson, Michelle are the editors. The book is expected to be launched in July 2011.

Future plans
The Experiential Working Group has produced proposals for the curriculum review which would see experiential learning incorporated in a staged process through the degree. Copies of this will be circulated to staff through Review process.

Clinical Legal Education Programs at UNSW
Kingsford Legal Centre is a community legal centre run by the University of New South Wales and runs a number of the Faculty’s clinical legal education programs. For further information and regular e-Bulletins see http://www.law.unsw.edu.au/centres/klc/.
Clinical legal education and experiential learning in Australian Law Schools is in a period of growth and development. Experiential learning including clinical legal education programs can engage and motivate students in their legal studies and provide a context for their study of law as well as encouraging students to think critically about the law, the legal system and the role of the lawyer. Issues that may be explored within the framework of the conference include but are not limited to:

- the future of legal education
- community engagement in legal education
- incorporating experiential teaching methods in the law school curriculum
- standards in clinical legal education
- internships - domestic and international
- classroom components in clinics
- justice and rights in experiential/clinical legal education
- supervision training and quality
- assessment of clinics and experiential learning
- international clinics
- multidisciplinary clinics
- mooting, law journals.

This is a call for papers/presentations/workshops on any relevant themes. The committee welcomes all contributions. The conference will appeal to legal educators, clinical legal education supervisors/academics, community legal centre and legal aid staff in clinical programs, practical legal education lecturers, supervisors of internships, law students, coaches of mooting and other law school experiential programs.

Making the conference accessible
The Conference Organising Committee is committed to making this Conference accessible. Please provide advice about your support needs: attendant care, interpreter services, dietary needs, document translation, child-care or any other adjustments needed to enhance your participation.

How to submit
If you would like to present at the conference, please complete the abstract template attached and email to Denise Wasley at: d.wasley@unsw.edu.au

Important dates
Submission date for abstracts: 2 April 2011.
We encourage creative and innovative forms of presentation, as well as joint presentations.
Notification of acceptance: to be advised