

A Clean Slate: What shall I draw?

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- In 2010, the School of Law at the University of South Australia took steps to establish a pro bono Legal Advice Clinic within the Law School as part of a service learning and work integrated learning initiative.

This presentation will cover:

- Research that was undertaken prior to establishing the Clinic.
- Policy decisions made in relation to Clinic management .
- The role of clinical programs in legal education generally.

- Three major questions arose out of the research conducted by the author in relation to the establishment of the new Clinic.

3 Questions:

- What is the teaching and learning framework within which the clinic is to operate?
- What Graduate Qualities will be achieved through the establishment of the clinic?
- What is the overarching priority of the clinic? Is it to foster a pro bono ethic in law students? Or is it to provide access to justice through pro bono legal advice to the public? Or is it to enable law students to learn professional skills before graduating from law school?

Why start a new Clinic?

- Pedagogical rationale
- Work integrated learning
- Service learning
- Access to justice

Australian Law Reform Commission:

- Australian law schools should be encouraged to support programs that
 - a) highlight the legal profession's service ideal and promote pro bono culture
- and
- b) enable students to acquire high order professional skills and a deep appreciation of ethical standards and professional responsibility.

The legal profession's service ideal

- Professionalism
- Service ethic
- Pro bono
- 'profession' v 'business'

High order professional skills

- Client-centred practice
- Time management
- Drafting
- Letter writing
- Interviewing skills
- Drafting up interview notes
- Attention to detail
- Collegiality
- Analytical skill
- Sheer hard work!

A deep appreciation of ethical standards

- Confidentiality
- Empathy
- Act in the best interests of the client – no matter who the client is.
- Not to disparage other practitioners
- Not to bring the profession into disrepute

A deep appreciation of professional responsibility

- Completing tasks on time
- Appropriate communication with clients, with the supervisor, with colleagues and peers
- Providing appropriate and correct advice
- Punctuality
- Proper file-keeping
- Answering the telephone

Research

- Do any other clinics operate from this location?
- What funding is received?
- Number of students at any time:
- Number of students enrolled in clinic each year:
- How are the students allocated? Is there an application process?
- How long does each student spend in the clinic (e.g. 10 weeks etc)?
- Do students sign confidentiality agreements?

Research

- How many staff are there in the Clinic that you supervise?
- Is there any interaction between the clinic/s and other courses/topics?
- What is the assessment?
- Who is the supervisor?
- How was the supervisor appointed?
- What is the ratio of supervisor to students?

Research

- What professional indemnity insurance is in place?
- How is the clinic set up? Is it separate from the University?
- Who are the clients?
- Do they advertise their services? What publicity is there for clients?
- Does the clinic seek feedback from clients?
- How do they maintain their conflict register?

Research

- What would you change if you could?
- What would you do differently if you were starting again?

Teaching and learning framework

- Integration of Clinic within the law curriculum.
- Pre-requisite courses.
- Role of lawyers in society

Graduate qualities

- *GQ 1: Able to operate effectively with and upon a body of knowledge of sufficient depth to begin professional practice*
- *GQ 2: Prepared for lifelong learning in pursuit of ongoing personal development and excellence in professional practice*
- *GQ 3: an effective problem solver, capable of applying logical, critical and creative thinking to a range of problems*

Graduate Qualities

- *GQ 4: able to work both autonomously and collaboratively as a professional*
- *GQ 5: committed to ethical action and social responsibility as a professional and a citizen*
- *GQ 6: Able to communicate effectively in professional practice and as a member of the community*
- *GQ 7: able to demonstrate international perspectives as a professional and as a citizen*

What is the overarching priority of the Clinic?

- Is it to foster a pro bono ethic in law students?
- Is it to provide access to justice through free legal advice to the public?
- Is it to enable students to learn ‘high order professional skills’?

Which areas of law?

- General?
- Criminal?
- Family?
- Civil?
- Consumer?
- Immigration?

Which students?

- Do we allow first years to participate?
- Do we allow volunteers?

- Subject pre-requisites
- Training

Twin pillars: justice access and education

- This dichotomy affects all decisions, e.g.
- Which students
- Who can we help?
- What if there is an emergency?

Supervision

- Qualities of the supervisor
- Experience
- What was I looking for in a supervisor?

Other issues

- Insurance
- Contacts and referrals
- Marketing

Questions and Discussion



UniSA Legal Advice Clinic References

- <http://www.unisa.edu.au/law/clinic/>
- <http://www.unisanet.unisa.edu.au/staff/homepage.asp?Name=Rachel.Spencer>
- http://www.youtube.com/watch?v=Vhr7a061DWM&feature=player_embedded