



National **Pro Bono** Resource Centre

Information Paper

Pro bono and clinical legal education programs in Australian law schools

August 2004

National Pro Bono Resource Centre

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Further copies of this paper can be downloaded from www.nationalprobono.org.au

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Foreword

I was delighted to be asked to provide the Foreword for the National Pro Bono Resource Centre's Information Paper on pro bono and clinical programs in Australian law schools.

The June 2001 report of the Attorney-General's National Pro Bono Task Force (which I chaired) specified 'fostering a strong pro bono culture in Australia' as one of the main challenges for the legal profession, at a time when increasing competitive pressures meant that lawyers must operate in a more 'business-like' fashion.

The Task Force re-affirmed the view that there is an ethical imperative on lawyers to do pro bono work, stemming from the profession's traditional 'service ideal'—without which law would become 'just another service industry'.

The Task Force stated that sustained efforts aimed at fostering a strong pro bono culture must commence at law school and be supported at all levels of continuing professional practice.

Similarly, in its report *Managing Justice: A review of the federal civil justice system*, the Australian Law Reform Commission recommended that Australian law schools should be encouraged to support programs that (a) highlight the legal professions' service ideal and promote a pro bono legal culture, and (b) enable students to acquire 'high order professional skills and a deep appreciation of ethical standards and professional responsibility' (ALRC 89, 2000, Recommendation 2).

The Task Force interpreted this to mean that all law students should be provided with opportunities for internships/outreach programs with a pro bono focus; opportunities to undertake clinical experience, clinical components within the academic curriculum, and stand alone electives such as 'Public Interest Advocacy'; and opportunities for reflection upon and critical analysis of ethical matters (including pro bono) in the classroom.

The Task Force noted with approval the excellent work of 'Pro Bono Students Canada'—an organisation which matches Canadian law students interested in doing pro bono work with local non-profit or charitable organisations that require their assistance (under supervision from a qualified legal practitioner)—and the public interest fellowships for recent US law graduates funded by the Soros Foundation.

In Australia, the Victoria Law Foundation initiated a similar scheme in 2003, aimed at improving the public policy consciousness of talented law students. The Legal Policy Internship Program provides about 25 students with the opportunity to undertake summer or winter internships with a range of non-profit and public benefit organisations, including Victoria Legal Aid, Victorian Council of Social Services, and the Victorian Law Reform Commission. Students also receive a structured training program, including talks from key decision-makers and policy-makers from across the legal sector. The Program has proven to be an effective way of assisting agencies to meet their short term legal research needs, while at the same time exposing the next generation of lawyers to public benefit thinking and practice.

The National Pro Bono Resource Centre has now created a national ‘Pro Bono Students Australia’ program based on the Canadian model. This program is being trialed by the University of Western Sydney.

The Task Force commissioned a survey of Australian law schools—conducted in January 2001 by a group of summer clerks at the Sydney office of Mallesons Stephen Jaques, which indicated that ‘very few Australian law schools had a considered or coherent policy in relation to developing a pro bono ethos in law students’—although there were ‘many scattered courses and programs’.

The Task Force concluded that, while ‘clearly more work is needed’, there existed in Australian law schools ‘a generally sympathetic environment in which further developments can take place’. The Task Force report suggested that this was an area in which the new Centre could play a facilitating and coordinating role.

The ‘Chief Justice’s Victoria Law Foundation Medal for Excellence and Community Service’ is a recent Victorian initiative to develop a pro bono ethos among law students. The Medal is awarded to a final year law student who has demonstrated a commitment to community service throughout his or her law studies, as well as producing excellent scholarship. The Medal is an attempt to acknowledge, and thereby encourage, a strong commitment to pro bono work at the earliest stages of a professional career.

The Task Force also called upon the Council of Australian Law Deans (CALD) to review and report to the Centre regarding policies and institutional commitment to clinical and pro bono placement programs among member law schools. CALD also was asked to consider the ‘development of national policy about whether at least one such program should be a compulsory part of the curriculum for all law students’.

In early May 2004, Pro Bono Law Ontario hosted an excellent conference in Toronto entitled ‘Building the Public Good: Lawyers, Citizens & Pro Bono in a Changing Society’. One of the liveliest sessions focused on ‘Involving Pro Bono Students’, and featured panelists from Pro Bono Students Canada, the profession, academics and students.

Although the room contained nothing but ‘true believers’ in the importance of pro bono law, and the need to introduce this at the law school level, opinion was sharply divided about whether a pro bono element should be *compulsory* for all law students. On balance, it seemed to me, the majority view was that every opportunity should be afforded to law students to participate in clinical and public interest programs, but that requiring unwilling persons to participate would be both counterproductive and contrary to the voluntarist ethos of pro bono practice. This is a debate we still need to have in Australia.

As the ALRC noted in the *Managing Justice* report, the legal education sector has grown dramatically in recent decades. In 1960, there were six university law schools, one in each State capital. By the time of the Pearce Committee’s national review of legal education, completed in 1987 (D Pearce et al, *Australian law schools: A discipline assessment for the Commonwealth Tertiary Education Commission*), there were twelve university law schools. One of the key recommendations of the Pearce Committee was that, especially given the limited resources available in a country the size of Australia, no new law schools should be established.

Nevertheless, in little more than a decade, the number of university law schools more than doubled to 28. There are 38 universities in Australia, so the *absence* of a law faculty is now more remarkable than the presence of one. (Over the same period, only two new law schools were established in the United States, one in New Zealand, and none in Canada.)

The more difficult question is whether the recent growth in numbers has been matched by increasing diversity in terms of educational philosophy, curriculum, and ethos. As identified in the Pearce Report, ‘second wave’ law schools like UNSW and Monash were established in conscious ‘opposition’ to their more conservative predecessors (Sydney and Melbourne, respectively), choosing to focus more on quality and innovation in teaching, emphasizing law reform and social justice, and establishing the first clinical legal programs in Australia.

The ‘third wave’ of law schools, established post-Pearce, includes one with a fully integrated clinical degree program (Newcastle). However, in recognition of the changing patterns of professional practice—and the very limited resources available to most Australian law schools—the emerging trend has been toward the teaching of generic ‘professional skills’—that is, such skills as oral and written communications, negotiation, advocacy and dispute resolution. As the ALRC noted in *Managing Justice*, clinical and high-order skills training programs are needed to ‘supplement classroom instruction on substantive law, and to provide students with an appreciation of the nature of ‘law as it is actually practiced’—including the social dimension and the ethical dilemmas which may arise’.

The number and diversity of programs identified in this Information Paper clearly suggest that most schools now have embraced the need to expand programs and activities in this area, and have devoted considerable energy and creativity to this end. It is hoped that this Paper will provide a further stimulus to such worthwhile enterprise.

As a career academic, I have a personal stake in believing that people are educable, and that teaching and curriculum development matter. I was greatly encouraged in this by recently reported survey results in the US, which indicated that law schools with a strong public interest focus—like the University of California, Los Angeles (UCLA, my alma mater) and New York University (NYU)—had a significantly higher proportion of their students entering into public interest law and government practice after graduation.

Professor David Weisbrot

President, Australian Law Reform Commission

Chair of the Advisory Council, National Pro Bono Resource Centre

1 August 2004

AIM AND SCOPE OF PAPER

Aim of the Paper

This Paper aims to provide a useful resource for law schools, students, law student societies and others who are involved in activities that aim to foster a pro bono culture amongst law students.

The paper provides:

- a snapshot as at mid 2004 of student pro bono and clinical legal education programs at Australian law schools;
- discusses some key issues associated with the role of law schools in initiating, supporting, managing and promoting clinical legal education and pro bono programs.

By highlighting the range and diversity of existing pro bono and clinical legal education programs in which students at Australian law schools can currently participate and providing information about the key issues faced by law schools in establishing or expanding pro bono and clinical legal education programs, it is hoped to facilitate a fruitful exchange of ideas and experience between law schools leading to an expansion and improvement of appropriate courses and programs.

Methodology

The information about relevant activities was collected from law student societies, law school faculty staff, law school websites and other published material including the Clinical Legal Education Guide (2003) published by the Kingsford Legal Centre. The result of this research was then sent to each of the 28 law schools for checking and the provision of additional comment. Accordingly entries for each law school vary according to the scope of activities carried on but also the response received from the school.

This paper does not deal with individual student-initiated pro bono and other voluntary activities, notably student volunteering at community legal centres (CLCs) and at the social justice centres within various universities, or individual academic-initiated pro bono activities. The paper has instead focused on organised activities with a view to providing a resource which will facilitate the expansion and improvement of such programs.

Role of the National Pro Bono Resource Centre

The National Pro Bono Resource Centre (**'The Centre'**) exists to support and promote the provision of pro bono legal services. Its role is to stimulate and encourage the development, expansion and co-ordination of pro bono services as well as offering practical assistance in this regard. The Centre has collected information about relevant activities in Australian law schools to further encourage them to support programs that:

- highlight the legal professions' service ideal and promote pro bono legal culture and;

- enable students to acquire ‘high order professional skills and a deep appreciation of ethical standards and professional responsibility’¹.

FINDINGS AND ISSUES

Key Findings

The attached description of existing pro bono and clinical legal education programs in Australian law schools displays a remarkable range of activities. Some key findings are as follows:

1. There is a significant amount of diversity and innovation in organised pro bono activity taking place within Australian law schools. At 16 of the 28 law schools (57%), pro bono or other volunteering activities for students are organised or facilitated either through the law school faculty or law student society/association. Clinical legal education programs are available at 23 of the 28 law schools (82%).
2. Some law schools appear to be providing students with little or no access to any type of organised pro bono activity or clinical education program. These schools tend to be the more recently established ones.
3. Most of the pro bono and clinical education programs are run in conjunction or partnership with local community legal centres (CLCs). A small number were established and are now run by a university law school. There are also isolated examples of programs run in association with Legal Aid commissions, the courts, another university, and in one instance, directly with a law firm. There would seem to be scope for all of these bodies to have greater involvement with clinical legal education and student pro bono programs.
4. All three PILCHs (Vic, NSW and QLD) have created and negotiated an innovative range of programs with law schools and students which support both clinical and pro bono activity.
5. At least 2 universities (University of Newcastle, University of Technology, Sydney) provide opportunities for students to undertake pro bono work at the centres through which the students undertake their clinical legal education courses.
6. There are a number of both clinical and pro bono externship programs which involve students being placed in a wide variety of positions including CLCs, community and public interest organisations (e.g. Amnesty International, Australian Red Cross), Aboriginal organisations and legal services, law firms, courts, tribunals, the DPP, Legal Services Commissions, Law Reform Commissions etc.

¹ Report of the National Pro Bono Task Force to the Commonwealth Attorney-General, 14 June 2001, p. 30

7. There are a number of programs that are simply about creating useful resources to assist others doing social justice work, e.g. the www.lawvolunteers.org.au resource established by Monash and La Trobe University law student societies, the volunteer networks for law students at University of Sydney, Queensland University of Technology and the new Native Title Representative Body Professional Project at Monash University which aims to provide training and support program for lawyers involved in native title matters.
8. Clinical legal education programs vary widely in type of clinic although nearly all are aimed at assisting the needy or those denied justice. The relative importance placed on these programs also varies significantly between law schools. In at least 3 law schools (UNSW, University of Notre Dame and the University of Wollongong) participation in a subject containing a clinical component is compulsory for undergraduates. Some clinical programs are also compulsory for people undertaking Graduate Diplomas of Legal Practice. However, in most law schools, clinical courses are an elective.
9. Many of the law schools with clinical programs offer more than one type of program. Clinical programs which focus on particular areas of law are offered at UNSW (employment law), Griffith University (family law), Monash University (family law), and Murdoch University (immigration law).
10. There appears to be an increasing trend towards part or all of clinical courses at a University being accredited for the purposes of meeting the practical legal training (PLT) requirements in the relevant State or Territory. This is driven by greater competition in the marketplace to provide PLT training and the desire of law graduates to reduce the number of hours of practical study that they have to undertake post-graduation in order to be eligible for admission as a practitioner.
11. There appears to be plenty of scope for many law schools in Australia to expand their existing pro bono and clinical legal education programs.

Clinical Legal Education and Student Pro Bono: Complementary Activities

Clinical legal education and student pro bono activity are vital components of a comprehensive social justice education at law school. In many Australian law schools clinical legal education programs and pro bono projects tend to take place in a community service setting; few clinical programs focus solely on practical lawyering skills. However clinical legal education programs and pro bono projects do occupy different roles in the context of a law school education. Clinical programs form part of the academic curriculum and involve “an intensive small group learning experience”². The primary focus of the clinical program is the development of practical lawyering skills in a closely supervised environment. The clinical student

² Griffith Law School, Clinical Legal Education Programs Strategic Plan 2003 -2007, p.1.

will have the advantage in most cases of both practitioner and academic supervision. Organised pro bono activity within a law school requires supervision to the extent that the work involves interaction with real clients but it does not form part of the academic curriculum. Its primary focus is community service.

The AALS report strongly encourages law schools not to assume that even a good pro bono program is a substitute for a clinical program, or that a good clinical program eliminates the need for a law school to support student pro bono projects.

The Centre believes that pro bono and clinical legal education programs should both exist in all law schools in Australia so as to provide a proper legal education for students. It is important that they be managed as complementary activities, occurring in close co-operation with each other.

The interrelationship between the two is important. For example, a number of clinical programs in Australia were first established as voluntary pro bono community service activities. Two good examples are Springvale Legal Service, first established as a student run telephone referral service then merged with a student run community aid and advice bureau, now a key part of Monash University's clinical legal education program and QPILCH which has had and continues to have considerable voluntary pro bono contribution from students.

This paper has adopted definitions of 'student pro bono' and 'clinical legal education program' as follows:

'student pro bono' is where students, without fee, reward or academic credit provide or assist in the provision of services that will provide or enhance access to justice for low income and disadvantaged people or for non-profit organisations that work on behalf of members of the community who are disadvantaged or marginalised, or that work for the public good.

Programs for which students receive course credit are not included on the basis that the student is getting a reward – in the same way that definitions of pro bono for practitioners are usually limited to work done without a fee. This reflects the view that 'pro bono' is in essence voluntary work done out of a sense of professional responsibility – where the primary motivation for the work is a concern for justice as opposed to securing gain or for reasons of kinship or friendship.

'clinical legal education' involves an intensive small group learning experience in which each student takes responsibility for legal and related work for a client (whether real or simulated) in collaboration with a supervisor. The student takes the opportunity to reflect on matters including their interactions with the client, their colleagues and their supervisor as well as the ethical aspects and impact of the law and legal processes³.

This definition has been construed broadly in deciding whether to include certain programs with a view to providing a comprehensive picture of relevant student activities in law schools. For example those programs that are accredited as PLT programs may not easily fit this definition but have been included.

³ Ibid.

It has been suggested that the features of a clinical student placement program that are most likely to impart the pro bono ethos are⁴:

- the presence of a real client in the student's activities;
- a focus on ethics and professionalism, social needs and the lawyer's role in society, rather than the development of legal skills competency; and
- emphasis on community service to people with legal need but without the resources to address the need to a sufficient degree or at all.

It has been suggested⁵ that a sub-set of the third criteria is:

- participation in 'non profit organisations which work on behalf of members of the community who are disadvantaged or marginalised, or which work for the public good'; and
- interests underrepresented by the private market, including the poor, ethnic minorities, unpopular causes 'across the political spectrum' and diffuse interests;

provided that these activities are coupled with supervision by a lawyer/teacher and the student has an opportunity to reflect on and discuss issues related to the work they have done.

Why Should Law Students Be Encouraged To Do Pro Bono?

A number of objectives for why law students should be encouraged to undertake pro bono work can be suggested, many of which also apply to the question of why law students should be encouraged to undertake clinical legal education programs.

Key objectives are suggested as follows:

- To develop and nurture a commitment in law students to practice law in a way that promotes justice and fairness for all, particularly the poor and disadvantaged members of society.
- To provide legal services that benefit poor and disadvantaged members of society.
- To introduce law students to the workings of the legal profession and to meet, observe and work with practising lawyers involved in public interest work.
- To assist students to develop interpersonal skills in a professional environment.
- To provide students with training and practical experience in research, writing and advocacy in a legal environment.
- For pro bono projects that are run by the students themselves, the student directors of these programs learn through experience some important lawyer competencies related to developing a law practice and managing a law office.

Developing a pro bono ethos in students can start very early. It can be done from the first days at law school through introductory lectures and speeches but also through facilitating pro bono volunteering at appropriate organisations. More involved pro

⁴ S Rice and G Coss, A guide to implementing Clinical Teaching Method in the Law School Curriculum (Sydney: Centre for Legal Education 1996) 9-10

⁵ Les A McCrimmon, Associate Professor and Director of Clinical Programs, University of Sydney Faculty of Law, "Mandating a Culture of Service: Pro Bono in the Law School Curriculum (2003-4)14 (1) Legal Ed Rev 53-76)

bono programs and participation in clinical legal education programs usually occur in the later years of a course of study.

It is not a primary objective of student pro bono to enhance students' legal practice skills or improve their CVs, although that will often be an outcome and is a key way of promoting the idea to students.

The Benefits for Law Schools of Pro Bono and Clinical Legal Education Programs

The Commission on Pro Bono and Public Service Opportunities of the Association of American Law Schools in its pro bono project in 1999 (the AALS report)⁶, identified three benefits to law schools. These would all seem to apply in the Australian context.

- Law schools are often located in communities with which they have little relationship. Programs through which opportunities for students to help the underprivileged in those communities with law related matters is likely to create a friendlier and more hospitable climate between the local community and the school so long as the projects are well supervised and the quality of service provided to the community is high.
- Public service projects provide the school with valuable goodwill among the alumni who are often members of the local community.
- Pro bono and clinical programs can be used as a central part of selling the school to applicants. Many applicants to law schools have high ideals and an extensive pro bono program is a credible way for a school to demonstrate its commitment to public service and to the needs of lower income people.

To this we would add the long term benefit of enhancing the reputation of the law school due in part to graduates who emerge with a strong pro bono ethos often finding themselves in high public positions. A good example of this is Monash University which has always had a strong emphasis on social justice education and its graduates now hold some of the most senior positions in the judiciary in Victoria including Chief Justice of Victoria, Chief Justice of the County Court, Chief Magistrate, President of the Administrative Tribunal and Solicitor-General⁷.

Issues for Law Schools in Establishing Pro Bono Programs

The AALS report identified seven key issues that schools should consider in establishing pro bono. These would all also seem to apply in the Australian context:

1. Should student participation be required or voluntary?

As Professor David Weisbrot notes in the foreword to this paper, this issue has not yet been fully debated in Australia. The University of Wollongong provides an example of a compulsory undergraduate subject where the practical component involves 40 days of external placement for a student. The

⁶Association of American Law Schools Commission (AALS) on Pro Bono And Public Service Opportunities, Learning to Serve: <http://www.aals.org/probono/report.html>

⁷“Law Matters”, Monash University newsletter, April 2004.

University of Notre Dame includes a regular community service requirement (not necessarily legal) in its compulsory 'Ethics for Lawyers' subject. UNSW requires law students to undertake a course containing a clinical component but in most law schools clinical and pro bono programs are voluntary.

2. The location and structure of projects

The AALS report refers to 'outside projects' where the law school matches students with available work outside the University or 'inside projects' where opportunities are offered in projects operating within law schools or even projects with an element conducted in both environments. In Australia, 'outside projects' have been referred to as 'external programs' or 'externships'.

3. Relationship between clinical courses and pro bono projects

The definitional issues are addressed above. As the AALS report notes:

The principle goal of most clinical experience is to teach students lawyering skills and sensitivity to ethical issues through structured practice experience and opportunities to think about and analyse those experiences. By contrast, the most important single function of pro bono projects is to open student's eyes to the ethical responsibility of lawyers to contribute their services.⁸

Clinical programs in Australian law schools tend to have a community service focus due to the strong historical links between the clinical teachers and CLCs. Some clinical programs have evolved from an informal link between a law school and a CLC through the volunteering activity of students at that CLC over a period of time, e.g. Macquarie University and Macquarie Legal Centre.

4. The importance of adequate staffing

In the US every school that succeeds in placing a large number of its students in a pro bono placement has at least one staff person who devotes a substantial part of his or her time to pro bono work. The necessary tasks for this person are well described in the AALS report. The more successful programs in Australian universities also have a dedicated staff member to manage and co-ordinate activities.

5. Assuring adequacy of supervision: the importance of evaluation

Supervision is important not only for assuring that clients receive competent legal assistance but also for assuring students receive the right messages about the quality of services to which all clients are entitled. Evaluation is vital for any program which is to be successful. In the case of clinical programs, students are also being assessed on their performance which requires a further level of supervision. Typically a student will be required to submit a written paper or to give an oral presentation on an aspect of their clinical experience.

6. The importance of enthusiasm of deans and faculty and of rewards for the efforts of student leaders

⁸ AALS report, supra note 2.

The AALS report emphasizes the importance of the dean and the faculty in encouraging and praising student pro bono work. Student enthusiasm for pro bono work is greatly enhanced by appropriate forms of recognition.

7. Finding the necessary funds

The AALS report recognises that the funding issues law schools face are indeed difficult and for pro bono projects the main expense is staff costs, “a minimum being a person nearly full-time during the season of the year when students are matched with placements”⁹. The report states that pro bono work is an important part of the overall academic experience of the student and deserves to be treated as a part of the school’s core academic budget. It notes that many schools have been successful in obtaining outside funding for public service activities for students from a wide range of outside organisations including bar associations, interest on lawyer’s trust accounts funds, local and state governments, private foundations and direct contributions from alumni. The Centre notes that the cost of running clinical programs is significant due to the need for a close degree of supervision of students in the performance of their clinical duties as well as in their academic assessment for the course, whilst pro bono programs tend to cost less because they do not entail any academic assessment and they can be operated on a day-to-day basis by students.

The AALS report highlights the importance of developing a school plan and urges schools to consult with other schools that seem to be in like situations to learn about their programs. This paper is intended to facilitate such consultations in Australia.

The Centre commends the fuller discussion of the above issues in the AALS paper to anyone interested in establishing new programs or reviewing existing programs, particularly Australian law schools and urges schools to consider taking up the Pro Bono Students Australia program referred to below.

Pro Bono Students Australia

The Centre in conjunction with the University of Western Sydney Law School. (“UWS”) is in the process of initiating a trial pro bono placement project at UWS based on the successful Pro Bono Students Canada (‘PBSC’) program. The Pro Bono Students Australia (‘PBSA’) project aims to match law students with public interest and community organisations who are in need of law related services. One of the central features of the PBSC program and the PBSA program is the opportunity they offer for students to become involved in the operation and management of the program as well as doing pro bono work. A critical part of the success of this program is finding suitable placements where adequate supervision is available and the work is worthwhile and stimulating to the student.

The PBSC program lists placements that include the Autism Society of British Columbia, Downtown Eastside Residents Association, Multiple Sclerosis Society of Canada, Greenpeace Canada, Vancouver Co-op radio and Toronto Child Abuse Centre. Some examples of work done by PBSC law students include production of a

⁹ Ibid.

research report as background for an urban alliance on a Race Relations conference, assisting the Canadian Cancer Society in preparing submissions to the Ministry of Health on draft legislation, preparing a parent handbook on child abuse and accompanying victims of domestic violence to court to assist them in understanding the legal process and provide support.

The Centre has provided UWS with a template of all relevant documents and agreements for the project based on sample agreements, forms and other information provided by PBSC taking into account precedents from Harvard and Columbia Universities in the US. UWS is now putting in place the administrative systems and structures to launch the program in western Sydney. The Centre encourages Australian law schools who might be interested in initiating such a program to obtain the PBSC precedents from the Centre and to discuss ways in which the program might be introduced at their school. We note that Bond University is operating a program along similar lines through its Pro Bono Club.

UNIVERSITY ACTIVITIES

Within each law school listing, the information has been organised into the following categories:

- Pro bono and other voluntary activities
- Clinical legal education programs
- Proposed programs: any pro bono or clinical program that is planned by a law school or law student society but not yet operational.

See 'Clinical Legal Education and Student Pro Bono: Complementary Activities' above for definitions.

Australian National University

Pro bono and other volunteering activities

The ANU Law Students Society produces a general careers guide that includes some information about volunteer options.

Clinical legal education programs

First Stop Legal and Referral Service for Young People: a legal advice clinic run jointly by Clayton Utz, the Legal Aid Commission (ACT), the Youth Coalition of the ACT and the ANU Law Students Society. First Stop is staffed afternoons, five days per week, by a rostered Clayton Utz lawyer, one Legal Aid Commission lawyer and the front desk is staffed by two ANU law students. The Service provides young people aged 12-25 with face-to-face legal advice. The legal issues vary widely, from drug possession and driving charges to domestic violence, personal debt and consumer protection issues. (Go to: <http://law.anu.edu.au/lss> and click on First Stop for further information.) This program has been approved as an elective clinical legal education program to commence in semester 2, 2004 and about 50 later year law students will be able to undertake the program annually.

LLB Internship Program: in this elective course law students undertake a negotiated project of practical utility to an external workplace. The workplace setting may be in a non-government, non-profit organisation, a government department, law firm or parliament. Each year generally some students undertake projects to assist with submission making/advocacy by NGO's representing disadvantaged groups in the community and/or working on public interest issues. Recent examples include Greenpeace, Environmental Defenders Office (ACT), Legal Aid Commission (ACT), and the Lawyers Committee for Human Rights (New York). Students are mentored in the workplace by a nominated supervisor and also receive academic supervision. Between 30 and 50 students undertake the Internship Program each year.

Legal Workshop Student Internship Program (SIP): a legal advice clinic run by the ANU Legal Workshop in partnership with the Legal Aid Commission (ACT). SIP is staffed two days a week from February to May and one day a week from July to November, by practicing lawyers employed or contracted by the Legal Workshop. SIP participation is compulsory for full time students undertaking the Graduate Diploma of Legal Practice through the Legal Workshop and counts towards the GDLP clinical requirement. Students undertake the GDLP skills program (2 week intensive) and an additional SIP familiarisation workshop before participating on site for 4 days. SIP provides advice to about 450 clients each year in areas such as family law, civil claims, consumer complaints, compensation, and discrimination. As part of

SIP, students are also rostered to undertake court accompaniment, court and tribunal observations, provision of minor assistance and legal research. SIP is the main way that ACT Legal Aid provides free initial legal advice at its Civic office in non-criminal matters. About 85 GDLP students undertake SIP each year.

Proposed programs

The ANU is exploring possibilities for additional clinical and opportunities for students.

For additional information contact: Judy Harrison, Director of Clinical Programs, ANU Law Faculty, ANU, Canberra, 0200 email: Judith.Harrison@anu.edu.au Ph: 0417 212 306.

Bond University

Pro bono and other volunteering activities

The Bond University Pro Bono Club: started with five members and now has over 130 active members (approximately 25% of the law students at Bond). The Club seeks to educate students about pro bono work, organise volunteer placements at community organisations (e.g. CLCs) and undertake fundraising activities for local community organisations. The Law School provides some funding to pay the Club President to facilitate and promote student placements and also funds some other activities of the Club, for example, costs associated with attendance of guest speakers.

The Gold Coast Community Legal Advice Centre Inc (GCCLAC): operated by Bond University using student volunteers, academic advisors and local volunteer solicitors from the Gold Coast Law Association to provide initial advice to people in need in the community, one night per week.

Clinical legal education programs

Bond University Professional Legal Training course: leads to admission as a solicitor in Queensland and New South Wales.

Public Interest Law elective: from September 2004 six students per semester will be enrolled in this subject, involving attendance at Queensland Public Interest Clearing House Inc, Brisbane to deal with applications for pro bono legal advice. Students will obtain academic credit for the completion of this course. Students will be assessed on the basis of the quality of their file work; assignments and group discussions.

Proposed programs

The Law Faculty is considering establishing a clinical program that would involve creating a new advice centre located on campus to provide legal services to low income and disadvantaged people in the Gold Coast community.

Charles Darwin University

Pro bono and other volunteering activities

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Clinical legal education programs

A clinical component in the Professional Practice course: students spend 1 day per fortnight over a 10 week period with a firm or public legal service.

The aim is to teach students practical skills such as managing a file, keeping file notes and interviewing clients and to instill a sense of professional responsibility and ethical standards.

Proposed programs

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Deakin University

Pro bono and other volunteering activities

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Clinical legal education programs

A clinical legal education program: began in conjunction with Geelong Community Legal Service (GCLS) as a pilot scheme in 2003. The program is now operating on a permanent basis as an elective for students in their final year. Four to six students can participate in the program each semester. Selection is competitive and based on student grades. Students attend the service one day each week during the semester, conduct interviews and have ongoing casework under the supervision of a GCLS solicitor. Students attend the theoretical sessions of the program for two hours each fortnight.

The aim of the program is to contribute to the service delivery capacity of the organisation, to provide students with a professional practice opportunity in a community law environment and to enable the students to critically analyse and reflect upon issues of access to justice.

A law clinic for 6 students: conducted each semester at the Western Suburbs Community Legal Service, where students work under the supervision of the principal solicitor.

Proposed programs

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Flinders University

Pro bono and other volunteering activities

United Trades and Labour Council Employment Law Service: students can participate as volunteers (contact Emma Thornton: (08) 8212 3155)

Community Legal Practice: some limited opportunities for students to volunteer at the Magistrates' Court Legal Advice Clinic including over university breaks. Primarily for students undertaking the clinical legal education program.

Clinical legal education programs

Community Legal Practice: students provide legal advice under academic/practitioner supervision one day per week to unrepresented parties involved in litigation in the Minor Civil Claims jurisdiction of the Adelaide Magistrates Court. The program is run in conjunction with Adelaide University Law School. Students are required to attend seminars and do assignments. They gain practical legal skills such as interviewing and drafting.

For further information contact: Rachel Spencer,
rachel.spencer@flinders.edu.au

Proposed programs

Industrial Court program: may begin second session 2004.

For further information contact: David Bamford,
david.bamford@flinders.edu.au.

Griffith University

Pro bono and other volunteering activities

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Clinical legal education programs

Public Interest Lawyering: six senior students work for Queensland Public Interest Law Clearing House (QPILCH). Students work for one full day per week during semester. Students are involved in the process of assessing applications for assistance received by QPILCH. Under supervision, they gather materials required for the assessment of requests for QPILCH referral and prepare recommendations. Students may also work on other public interest law projects for QPILCH and member law firms.

<http://www.qpilch.org.au/students.htm>

Legal Clinic: six students can take this subject which involves working at Caxton Legal Centre one day per week. Each Monday, students interview and advise clients as well as preparing letters and legal documents. In addition, students also appear for Caxton Legal Centre clients in family law matters. Students are supervised by a member of academic staff with support from Caxton Legal Centre staff.

Advanced Family Law Clinic: students must have completed the Family Law course before they can enrol in this clinic. Students are rotated through two placement sites during semester. Students spend time at [Learning Network Queensland](#), a distance education provider 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.

ADR Clinic: this course is operated in conjunction with the Dispute Resolution Branch (DR Branch) of the Queensland Department of Justice and Attorney-General. The course begins with one week intensive training prior to the start of semester, involving mediation educators from the DR Branch. Pairs of students then participate in 4 week placements (2 days per week) with the DR, completing research and policy tasks, working in the Intake Section and observing mediations where possible. Students also make presentations at fortnightly seminars.

Semester in Practice: an externship program in which students spend a day per week for one semester working with law firms, barristers chambers, community legal centres, industrial relations consultants and government departments. There are also eight seminars, which 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.

Practical Legal Training Clinic: graduate students undertake a 10 day placement at Learning Network Queensland. They use audio-graphics and video conferencing facilities to interview clients from Queensland regional centres in relation to general legal issues. Students are required to research

legal problems and provide written advice. The clinic is offered 1 or 2 semesters per year in conjunction with Caxton Legal Centre and Learning Network Queensland.

The Griffith University Innocence Project: students are involved in investigative work and case file management working under the supervision of the law school academics and outside lawyers. This is the third year that the project has operated as part of the curriculum. Based on the Gold Coast campus of the university, the Project focuses on matters involving potential miscarriages of justice.

Proposed programs

Clinical program (for course credit) at South Brisbane Immigration Community Legal Service (SBICLS): commencing in semester 2, 2004, the Law School will offer students the opportunity to take a program specialising in refugee matters. The Law School and SBICLS have organised a program for Griffith students who wish to volunteer at SBICLS.

[Griffith University provided Jeff Giddings (head of the clinical programs at Griffith) with a community service grant to work with students and staff on projects to enhance the refugee service at SBICLS.]

James Cook University

Pro bono and other volunteering activities

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Clinical legal education programs

The Townsville Community Legal Service: offers places to 16 final year law students from JCU to work under the supervision of lawyers from the Legal Service. Students work for 3 full days at the beginning of the program and then attend for 1 day per fortnight over a 10 week period. Students gain experience in different areas of law, including Family Law, Administrative Law and Bankruptcy Law.

Proposed programs

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La Trobe University

Pro bono and other volunteering activities

www.lawvolunteers.org.au: a joint initiative between Monash Law Students' Society and the La Trobe Law Students' Association, this web site lists organisations where law students in Melbourne can volunteer. Includes a traffic light system to indicate which organisations require volunteers at the current time. <http://www.lawvolunteers.org.au>

Clinical legal education programs

Clinical legal education programs at La Trobe have the following characteristics:

- Students either interact directly with real clients in a lawyer/client relationship or, with agency staff, work with client groups on legal issues of public interest.
- Substantial practical legal skills are required but skills training is not the primary focus.

- Students are supervised by a School of Law and Legal Studies teacher/legal practitioner.
- Students' clinical work is complemented and informed by classroom learning.
- Students are actively involved in providing a service to the community.

For further detail see: <http://www.latrobe.edu.au/law/>

Clinical Legal Education: - the focus of the subject is the practice of human rights law and implicitly, the legal needs of disadvantaged people. A major component is a clinical placement at the West Heidelberg Community Legal Centre. Students work under the lecturer who is a current practitioner and in areas of law in which the Centre provides legal advice and assistance including summary crime, family law, intervention orders, consumer complaints, motor vehicle accident damages, debt and social security. 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 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. Students undertake a law reform project in their placement teams as a major component of their work alongside their clinical placement. The classroom component consists of a weekly two hour seminar (attendance mandatory) on campus.

Legal Practice and Conduct: the focus of this program is ethical practice in law and professional conduct. Satisfactory completion satisfies the Council of Legal Education requirements for Professional Conduct and Trust Accounting. Students are placed during semester at the local Preston office of Victoria Legal Aid (VLA) and work under the supervision of a senior lecturer who is a current practitioner. The student-lawyers assume personal professional responsibility (under supervision) for the conduct of client files. They also clerk for VLA lawyers in the duty lawyer service provided at the local Magistrates Courts and assist the VLA lawyers in their client work. The program is structured to guide students to analyse their work for their clients in the context of the ethical rules and to reflect on the nature of ethical practice. The classroom component consists of a weekly three-hour seminar. Assessment includes a case study analysing a placement practice experience for its ethical dimension. In addition students submit reflective 10 journals, do a 2000 word Memorandum of Advice based on the disciplinary system and a short trust accounting examination.

Public Interest Law Practice: an externship (field placement) program which aims to give students the opportunity to experience law in practice 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 or in the public interest. Students are placed in a variety of not for profit, non-government or government agencies and in the public interest practice unit of a private law firm. They are supervised by a designated staff member of the host organisation. The classroom component consists of seven two-hour seminars covering theories of public interest law, ethical challenges, learning from experience, case studies and five one-hour small group supervision seminars.

Magistrates' Court Mentoring Program: operates at various Magistrates' Courts and within two substantive law subjects each year—Criminal Procedure and Evidence and Family Society and the Law. In Criminal

Procedure and Evidence a small number of students are attached each to a Magistrate in a mentoring relationship. They observe the judicial decision making process from behind the scenes with the Magistrate. Students are required to submit a written assignment on a procedural or evidentiary issue arising during the placement and of relevance to the court. In the Family Law subject, a small number of students are attached either to a Family Court Judge or to a Children's Court Magistrate in the Family Division. Students are required to submit a written assignment on a topic agreed with the mentor and course coordinator that is relevant to the operation of the court.

Proposed programs

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Macquarie University

Pro bono and other volunteering activities

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Clinical legal education programs

Practising in the Public Interest: intensive, elective course is offered in conjunction with the Public Interest Advocacy Centre (PIAC) during the semester break in a 5 day block. It consists of two days of training by PIAC, two days of placement in a legal practice with a significant pro bono or public interest commitment, and a further day of training and evaluation by PIAC. Students are required to present a summary of their placement experience to the group and are assessed on the training component. Students are also required to undertake a research project of 5-6,000 words in the area of public interest advocacy. PIAC assists students in developing the topics for the projects which are examined by academic staff in the Division of Law. The best papers may be published by PIAC.

A total of 9 Macquarie students can undertake the course and selection is competitive. The course is open to students in their final two years of study, but preference may be given to students in their final year. The course has operated for 3 years and is convened by the Dean, Professor Rosalind Croucher.

Macquarie Legal Centre Clinical Program: following a successful pilot of the course in first semester 2004, the course will be offered each semester in conjunction with Macquarie Legal Centre (MLC). Students attend one induction session and then spend one day each week (10 placement days) at MLC. Students work in pairs and are assigned to one of the Centre's solicitors for the duration of their placement. The students take part in all the activities that their supervising solicitor has scheduled, including sitting in on appointments, listening to telephone advice, attending court and assisting with files. A month into the program students will attend a group meeting with the convenor of the course at the university to share their experience with each other and the convenor and ask any questions particularly those relating to assessment. Students are assessed by completing a Placement Assessment Report (including a reflective journal) and a research assignment of 3,000 words on a topic related to their observations and experiences at MLC. MLC and the Division of Law will assist students in developing the topics for their research assignments which are examined by academic staff in the Division of Law. A book prize sponsored by MLC will be awarded to the best student in the year.

A total of 8 Macquarie students can undertake the course in any semester and selection is competitive. Preference will be given to students in their final year. The course is convened by the Dean, Professor Rosalind Croucher.

Proposed programs

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Monash University

Pro bono and other volunteering activities

Monash Family Law Assistance Program: a self-help clinical workshop program to assist people involved in Family Court litigation who do not have a lawyer to represent them. Students provide participants with information on family law procedure, mediation and other forms of dispute resolution to assist them in undertaking their own cases before the Court. The main objective of the program is to encourage and explore ways for people to conciliate, rather than contest, matters presented to the Court. This program is funded principally by the Commonwealth Government with a contribution by Monash University

Springvale Monash Legal Service: Community Legal Centre linked with Monash University. Students volunteer with the Centre in a range of capacities.

PILCH: representatives from PILCH visit the law school each year to discuss their work. Students may contact PILCH to volunteer their services. No formal arrangement exists between PILCH and the law student society or law school.

Monash Law Students Society Volunteer Program: a joint initiative between Monash Law Students Society and the La Trobe Law Students Association, the website lists organisations where law students can volunteer. It includes a traffic light system to indicate which organisations require volunteers at the current time <http://www.lawvolunteers.org.au...>

The Castan Centre for Human Rights: lists on its website internship opportunities for law students with local and international organisations.

Clinical legal education programs

Professional practice (LLB subject): students work for half a day each week for one semester at Springvale Monash Legal Service or Monash-Oakleigh Legal Service under supervision by Faculty members and other teacher/practitioners.

Practical Legal Training: postgraduate students in the Monash PLT course spend half a day per fortnight at Monash-Oakleigh Legal Service advising clients under supervision.

Advanced Professional Practice (LLB subject): students work in a specialized area of the law to develop their skills and knowledge. The main specialist clinic is the Family Law Assistance Program (funded by the Commonwealth A-G) which provides workshops to assist litigants in the Family Court who are without legal representation. Students also attend the Dandenong Registry of the Family Court each week, to assist litigants whose matters are listed for that day. Students provide information and advice to litigants, may negotiate on their behalf and if an agreement is reached between the parties, the student appears in court to obtain consent orders. All students' work is supervised by Faculty members who are experienced family law practitioners. A new

specialist scheme under the subject *Advanced Professional Practice* allows students to spend one day a week for a semester conducting human rights-related work with a city law firm.

Human Rights Student Placement Program: run as part of the existing human rights course, students are placed within a human rights body one day per week over a 10 week period. Past placements have been with the Disability Action Centre and the Australian Red Cross.

Proposed programs

Native Title Representative Body Professional Development Project: will be hosted and administered by the Castan Centre for Human Rights Law and the Law Faculty at Monash University, with the support of the Law School at the University of NSW. The Project aims to improve outcomes for Aboriginal and Torres Strait Islander Native title claimants and holders through a training and support program directed at lawyers working in Native Title Representative Bodies (NTRB). By creating a comprehensive professional development program for NTRB lawyers, the Project aims to achieve a more effective native title system in Australia. In addition, the Project will promote native title work at NTRBs as a career option for law graduates.

Murdoch University

Pro bono and other volunteering activities

Parkway Legal Service: the centre is operated solely by law students from Murdoch University and University of Western Australia and overseen by an academic advisor and UWA. Legal advice is provided to the public once a week on campus by appointment during term time.

Murdoch Legal Advice Service: is run by Murdoch law students. It is open three days a week at lunchtime. The students are involved in the general administration of the centre, answering the phone, returning calls, responding to emails and talking to walk-in clients. The students are then responsible for contacting pro bono lawyers to schedule interview sessions with the clients. Students are involved in the interview process. Each client is allocated to a student who is responsible for doing research and briefing the lawyer. Students meet the clients before the interview session to gain a closer understanding of the issues.

The Centre mainly deals with family law issues, traffic offences, property law issues, contract issues and small claims.

Clinical legal education programs

Clinical legal education program: operated by Southern Communities Advocacy Legal & Education Service (SCALES) which provides legal services mainly in Kwinana/ Rockingham to low-income and disadvantaged people. Students attend client interview sessions and work on assigned files under the supervision of the Service's solicitors.

Immigration law clinical program: available as an elective since July 2001 with a placement at SCALES. The course allows students who have previously completed the CLE unit to participate in a course that focuses exclusively on cases involving immigration law, particularly cases involving refugees and asylum seekers. The course involves students attending a seminar program, working on cases and a group project.

Proposed programs

Murdoch is looking at setting up a volunteer program for students to assist solicitors who are acting on a pro bono basis for unrepresented criminal appellants. This is still in the planning stage with the Unrepresented Criminal Appellants Committee of the WA Bar. The students would assist barristers with research and drafting.

Queensland University of Technology

Pro bono and other volunteering activities

QUOTALS (Queensland University of Technology Association of Law Students): has a Community Services Director who puts law students in contact with numerous community legal centres (e.g. Caxton Legal Centre and QPILCH).

Clinical legal education programs

External placement: at a variety of organisations, for example, Legal Aid Queensland (LAQ), Prisoners Legal Services Inc and Aboriginal and Torres Strait Islanders Corporation (DEA), one day per week for one semester.

Southern Cross University

Pro bono and other volunteering activities

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Clinical legal education programs

Clinical Legal Experience: students are required to work at a local legal office 1 day per week during the semester. The Law School will assist in arranging placements. Students may also arrange their placement.

Law Placement: students must complete no less than 30 full days in an approved work experience placement. Any Southern Cross University law graduates who complete this course or the clinical legal education course are eligible to apply for exemption from some of the practical experience requirement for admission to practice as a legal practitioner.

Proposed programs

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University of Adelaide

Pro bono and other volunteering activities

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Clinical legal education programs

Clinical legal education program: offered by the university for approximately 24 students in the summer and second semesters. Students are placed with agencies such as community legal centres, the Legal Services Commission, some small private firms and public authorities and gain practical legal experience in interviewing clients, undertaking legal research, preparing legal documents and correspondence and working on a project/paper with their placement agency.

The Magistrates Court Legal Advice Clinic: a collaboration with Flinders University, which provides legal advice in the Minor Civil Claims