

Annual Report

University of
South Australia
Legal Advice Clinic

2011-2012



University of
South Australia

Legal Advice
Clinic

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Introduction

The establishment of the Legal Advice Clinic at the University of South Australia was enabled by a substantial grant from UniSA as a STEP 2010 experiential learning project. The Clinic has been established with a dual focus: access to justice for those who might not otherwise have access to legal assistance, and a teaching and learning environment for law students.

The Clinic exists to provide a unique practical teaching and learning environment for UniSA law students. It represents the capstone stage in a scaffolded learning program. It also exists to provide a free legal service for the community. To that end, the Clinic has a social justice and community engagement focus. It provides an experience for students that introduces them to the concept of *pro bono publico*: providing free legal advice and assistance for the benefit of the public.

Law is an instrument of justice. Lawyers have a professional responsibility to understand and employ the law in pursuit of the public good. So one of the important roles of the legal advice clinic is to provide members of the public with the information that they may need to make informed decisions about how the law might be affecting their lives, or what protection they may or may not have under the law.

There is a huge unmet need for legal services in our community. The average person cannot afford a lawyer and very few people are eligible for legal aid – which is only available in very limited circumstances. Access to justice does not just mean the right to a fair trial. Access to justice means access to knowledge about the law and how it affects all members of society, both collectively and individually. Access to justice does not only involve access to lawyers and the legal system but it also means access to information, including information about how to resolve disputes or legal problems.

One of the aims of the Clinic is to foster a pro bono ethic in students. This provides the over-arching philosophy governing the way that advice and assistance is given. The Clinic also builds directly on the practical skills and experiential learning developed by the Law School curriculum. It provides a meaningful context for the implementation of skills, adding value to existing teaching practices and learning outcomes. The role of a lawyer requires a high level of maturity, empathy, analytical skill, communication skills, together with sheer hard work. Whilst they are providing a service to the client, students are also involved in a learning task and developing a realistic understanding of the professional environment which they will eventually enter.

This first Annual Report highlights the achievements of the Legal Advice Clinic in its first year of operation and demonstrates the adherence of everyone involved to its values:

A belief in and a commitment to access to justice for everyone.
Innovative, interesting and challenging educational opportunities for law
students.
An educational environment where all students are encouraged to ask
questions and learn from their mistakes.
A commitment to reflective practice.
A pedagogy that encourages the development of practical legal skills.
Ethical legal practice.
A commitment to ongoing research and innovation.

Who We Are

Staff



Rachel Spencer is the Director of Professional Programs in the School of Law at UniSA. She has over ten years of experience in the Clinical Legal Education sector, as well as extensive prior experience in legal practice. Rachel has experience in private practice as well as in government and in-house roles. She also has extensive experience in Practical Legal Training and is a past Chair of the Australasian Professional Legal Education Council.



Prior to taking up the position of Managing Solicitor of the Legal Advice Clinic, **Matthew Atkinson** was the Principal Solicitor at the Northern Community Legal Service Inc. He has worked in the community legal centre sector for approximately seven years and has significant experience in providing legal assistance at the coal face with some of the most vulnerable people in our community. He has also been actively involved in advancing the community legal centre sector having been the South Australian state representative in the National Association of Community Legal Centres in 2007, 2008, and 2010. He was also involved in planning and implementing a legal education program about the *Family Law Act* and family dispute resolution with the Family Relationship Centres in Salisbury, Elizabeth and Adelaide.



Julie Watt is the Administrative Officer for the Legal Advice Clinic. Julie has worked at UniSA since 2009 in a variety of administrative roles.

Students



The majority of student advisors in the Clinic are placed there as part of an elective course called *Legal Professional and Community Service Experience*. Students have the opportunity to maximise their Clinic experience by discussing and reflecting in class on what they are learning during the course of their placement, as well as considering the role of legal professionals in the legal system and in society generally. Students develop

a critical perspective on such issues as legal ethics, professionalism, justice access, and the role of law and lawyers in society, as well as developing their practical skills.

Further, law students who have successfully completed *Professional Conduct* also have an opportunity to volunteer or complete their professional placement as part of their Graduate Diploma in Legal Practice at the Clinic. A number of students choose to complete their work experience placement for their Graduate Diploma in Legal Practice (GDLP) at the Legal Advice Clinic. These students are usually placed at the Clinic full time for approximately six weeks or longer. This provides them with a unique experience in the provision of pro bono legal services, whilst learning and improving their practical skills like drafting and client interviewing. GDLP students are also able to develop the skills the skills of mentoring as they assist new students who come into the program.

Finally, there are a number of students who choose to volunteer as advisors in the Clinic, especially over the summer. Together with the GDLP students, volunteers enable the Clinic to be open to the public out of university term time, enabling access to justice to continue.

Following the success of running the *Professional Conduct* tutorial program through the Clinic in 2011, this has continued in 2012, and we are also involving *Civil Procedure* students in the work of the Clinic. In Term 3 2011, we started to teach Professional Conduct tutorials in the Clinic, using de-identified files.

All students involved in the Clinic are trained in ethics and professional conduct and are aware of the high standards of professionalism and confidentiality that are expected at all times.

UniSA Legal Advice Clinic Report - January to June 2012						
Students Involved in the Clinic						
Month	Elective	GDLP	Volunteer	Total Student Advisors Working in Clinic	Tutorial Students	
					Civil Procedure	Professional Conduct
January	0	11	2	13	0	0
February	5	10	1	16	40	35
March	5	8	0	13	40	35
April	5	7	0	12	40	35
May	5	5	1	11	40	35
June	11	6	2	19	0	0

Report from the Director: Professional Programs

A Successful STEP 2010 Project



In early 2010, the School of Law at the University of South Australia sought funding for a Student Engagement Project as part of the University's STEP 2010 program. The School's plan, which has now come to fruition, was to construct a pro-bono legal advice clinic within its Law Building, providing students with real life cases to work on. Students now work under the supervision of an experienced practising lawyer who is employed as a full-time staff member. The Clinic complements the School's existing experiential learning program and forms a capstone experience for those students who participate in the clinical program.

The STEP 2010 Proposal envisaged that the Clinic's activities would be reported to the School and the Division of Business on an annual basis. This Annual Report reflects that commitment.

Pro bono and clinical programs are not new to Australian law schools. The Clinical Legal Education Guide which is published every year evidences the fact that more than half of the thirty law schools around Australia currently provide clinical programs, either by way of legal clinics that are affiliated with or attached to the schools, or by externships and placements that form part of the undergraduate degree.¹ These programs not only provide valuable experiences for students who learn the professional skills that they will need in practice, but they also encourage a pro bono culture in line with the national Pro Bono Task Force report delivered in 2001. That report argued that 'fostering a strong pro bono culture in Australia' was an ethical imperative for the legal profession.² The Task Force was of the view that 'all law students should be provided with opportunities for internships / outreach programs with a pro bono focus; opportunities to undertake clinical experience...; and opportunities for reflection upon and critical analysis of ethical matters (including pro bono) in the classroom.'³

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 profession's service ideal and promote pro bono legal culture, and b)

¹ *Clinical Legal Education Guide*, University of New South Wales, Kingsford Legal Centre, 2009/10.

² National Pro Bono Resource Centre, *Information Paper: Pro Bono and clinical legal education programs in Australian law schools*, University of New South Wales, August 2004.

³ Above, n 1.

enable students to acquire 'high order professional skills and a deep appreciation of ethical standards and professional responsibility'.⁴

The Legal Advice Clinic aims to achieve both of these goals.

Student involvement in the Clinic is via enrolment in the *Legal Professional and Community Service Experience* course. The aim of this elective topic is to engage students in practice based learning. Students attempt to solve the legal problems of real clients and are engaged in a variety of investigative and industry related projects. Students provide pro bono legal advice as a community service (service learning). Advice is provided on a pro bono basis to clients who are unable otherwise to access legal advice.

Involvement in the Clinic provides students with a realistic understanding of the professional environment which they will eventually enter. The course in which students enrol (LAWS 4007 *Legal and Professional Community Service Experience*) to participate in the Clinic, also involves a strong reflective component, and has a community focus. This builds on the experiential learning programs that already exist within the law degree programs.

Initially, as expected, client numbers were small. Over time, publicity and 'word of mouth' alerted the general public to the existence of the Clinic, building up the client base so that the Clinic is now open to the public on a daily basis, and there is a steady but manageable flow of clients. In the twelve months since opening its doors, the Clinic has assisted over 300 clients.

Teaching and Learning

The pre-requisite course for LAWS 4007 is a course called *Professional Conduct*, taught by Rachel Spencer, Director of Professional Programs. In *Professional Conduct*, students learn about the ethical rules that underpin the practice of law, and what it means to be a fit and proper person to be admitted as a legal practitioner. It has been argued that that it is possible to 'teach *about* autonomy, independence and responsibility, but this is not *becoming* autonomous in one's thoughts and actions.'⁵ This is precisely what happens in *Professional Conduct*. Students learn the ethical rules about not breaching client confidentiality, acting in the best interests of the client and not allowing their personal feelings to interfere with their representation of the client. But they do not fully experience

⁴ ALRC 89, 2000, Recommendation 2, cited in National Pro Bono Resource Centre, *Information Paper: Pro Bono and clinical legal education programs in Australian law schools*, University of New South Wales, August 2004,

⁵ Dittman, J.K. "Individual Autonomy: The Magnificent Obsession." *Educational Leadership*, 1976, 33(6), 463-467 at 467, cited in Philip Candy, *Self Direction for Lifelong Learning*, Jossey-Bass, San Francisco & Oxford, 1991, at 319.

what these really mean until they are faced with the reality of acting for a client for whom they feel personal repugnance. Or perhaps they want to talk about their difficult day over the dinner table but cannot do so because of confidentiality requirements. It is only then that 'professional conduct' takes on real meaning. As Dittman says, '[o]ne learns responsibility and self-direction through experiences in which one is given the opportunity to be self-directed and responsible for one's actions. Therefore if we want students who will be capable of making autonomous judgments, we must provide a learning environment in which they are encouraged to make autonomous judgments.'⁶ One of the main functions of the Legal Advice Clinic is to provide such an environment.

In addition, all tutorials in Professional Conduct are now held in the Legal Advice Clinic. Students in this course do not see and advise clients, but they use real (de-identified) files that have been managed by other students as case studies for discussions about ethical conduct and situations where ethical reasoning is required. The realities of maintaining client confidentiality come to life in these tutorials as students may not discuss the files outside of the classroom. All students are required to sign confidentiality agreements. This use of the Clinic for tutorials in a core course ensures that all law students intending to practise law have an experience of the Clinic.

The clinical program permits students to be exposed to the 'real life' environment of having to provide carefully considered and appropriate advice to 'real clients' whilst also focusing on the needs of their learning. The program provides excellent work experience for those interested in practising in the future, as well as an opportunity to participate in a valuable community service. Students develop a capacity to better relate to legal problems, develop a client-focused orientation and contribute to the 'pro-bono' professional ethic by providing a service to the community. It is hoped that students will leave the Law School with a professionally focussed and well-rounded legal education. They will not only be better acquainted with the positive aspects of legal practice, but also better equipped to deal with some of the more difficult aspects of practice thus making them much better candidates for employment.

The Clinic builds directly on the practical skills and experiential learning developed by the Law School curriculum. It provides a meaningful context for the implementation of skills which otherwise will be learned and practiced only in simulated settings, thus adding value to existing teaching practices and learning outcomes. The Clinic provides students with the opportunity to gain first-hand experience in interviewing clients in circumstances where detailed instructions have to be obtained. Students then have to practice their legal drafting skills by converting those instructions into legal documents.

⁶ Dittman, above.

The Clinic also provides students with the opportunity to engage in substantial service learning experience. Service learning is otherwise relatively under-represented in the law program and has been identified in a number of legal education reviews as integral to the development of legal professional identity and responsibility.

Graduate Qualities

In developing the Clinic, I have been mindful of The University of South Australia's seven graduate qualities that students ought to possess upon graduation. The quality of university teaching now involves 'a process of measuring whether graduates have achieved the skills and attributes that institutions claim their graduates have attained.'⁷

Below I set out how the clinic experience provides a framework for the development of each of the graduate qualities.

GQ 1: Able to operate effectively with and upon a body of knowledge of sufficient depth to begin professional practice

Students who participate in the clinic are required to provide correct, effective and appropriate legal advice to real clients with real legal problems. They must therefore have completed the fundamental law subjects that form the basis of everyday legal advice: Torts, Contract, Constitutional Law and Criminal Law. In this way, students are required to demonstrate that they can use the knowledge acquired in earlier years at the 'coal face' of actual professional practice. This is the culmination of the theoretical knowledge that students have acquired: now they have to put that knowledge into practice.

GQ 2: Prepared for lifelong learning in pursuit of ongoing personal development and excellence in professional practice

The nature of clinical practice is such that no two days are ever the same. Students learn to expect the unexpected. In this way, they are preparing for lifelong learning, knowing that each day they will learn something new. The need to constantly keep abreast of developments in the law is explained in the classroom parts of the course as an aspect of professionalism. In the clinic environment, this becomes a reality, because students constantly have to check legislation, read new cases and apply legal theory to new fact situations.

⁷ Ted Nunan, Rigmor George and Holly McCausland, 'Implementing graduate skills at an Australian university', in *Integrating Key Skills in Higher Education*, Fallows S. And Steven C. (Eds), Kogan page, London, 2000 at 58.

GQ 3: an effective problem solver, capable of applying logical, critical and creative thinking to a range of problems

The nature of the work that students are expected to do is varied and unpredictable. Clients do not come through the door telling the students that they have a contract problem, or a torts issue. Students need to work that out for themselves. This is quite different to the way they have been learning to date, as each subject is taught and assessed discretely. In a torts exam, students are aware that they need to demonstrate their knowledge of torts. But in a client situation, the students have no idea what sort of problem will face them and they will need to work that out for themselves in order to properly advise the client. In addition, it is likely that clients will have multiple issues, some of which will not be legal. For example, clients may have financial problems, health issues or need help with domestic violence. Students need to think strategically and creatively in order to advise clients in relation to their legal problems, whilst referring them to other organisations for assistance with other issues.

GQ 4: able to work both autonomously and collaboratively as a professional

Students work in pairs to assist clients. This means that they have to work collaboratively. In addition, client care is ensured by the supervision of a managing solicitor, so students must also work with the supervisor in order to work out the appropriate advice that must be given in each particular circumstance. On the other hand, students are individually responsible for particular files and work to be completed within files. For example, two students might interview a client together, but then one of them might conduct research while the other one drafts a letter of advice. This model of working and learning provides opportunities for the development of this graduate quality.

GQ 5: committed to ethical action and social responsibility as a professional and a citizen

It is a pre-requisite of this course that students must have successfully completed a course in Professional conduct. The latter course ensures that students are aware of the ethical rules that govern legal practice and that they are able to use those rules in their everyday practice. The Australian Solicitors' Conduct Rules and the Australian Barristers' Rules extend beyond the time that a student (or lawyer) spends in the office. Being a fit and proper person to practise law encompasses all aspects of life, whether to do with work or not. This course enables students to experience what that really means.

In addition, many clients of the clinic are from lower socio-economic backgrounds and are generally be disadvantaged in society. Acting in the best interests of every client is an important aspect of clinical practice. One of the aims of the course is to foster a pro bono ethic in students.

GQ 6: Able to communicate effectively in professional practice and as a member of the community

Students who participate in the clinic learn about client-centred practice. Fundamental attributes of client-centred practice are communication, active listening skills and empathy. Students are not only required to operate upon their body of legal knowledge (GQ 1) but they are required to communicate that knowledge in a way that is useful and meaningful to the clients.

GQ 7: able to demonstrate international perspectives as a professional and as a citizen

Some students in the course will have the opportunity to complete a placement overseas. This is an excellent opportunity for those students to gain an international perspective on their professionalism. Those who do complete an international placement are given the opportunity to share their experiences with other students by presenting a seminar about their experiences. This enables other students who have not had the opportunity to travel to also learn from the experiences of their peers.

What is the main focus of the clinic?

Discussions with clinicians from the American law schools have led me to articulate the primary focus of the clinical program. Is it to foster a pro bono ethic in law students? Or is it to provide pro bono legal advice to the public? Or is it to enable law students to learn professional skills before graduating from law school?

Some clinicians believe that the primary focus should always be the students and that the clinic exists to provide a learning experience for them. The acquisition of professional skills is seen as the paramount consideration. Others believe just as strongly that the clients must always be the main focus and that the students' needs are of a lower priority than the clients' needs. The pro bono ethic is considered in these circumstances to be paramount.

The ALRC noted in *Managing Justice*⁸ that Australian Law Schools need clinical programs to 'supplement classroom instruction on substantive law, and to provide students with an appreciation of

⁸ Above, n 1, 6.

the nature of 'law as it is actually practised' – including the social dimension and the ethical dilemmas which may arise.'⁹

Clinical legal education programs in many law schools take place in a community service setting; they tend not to only be about the development of professional skills,¹⁰ but there are differing views about what the primary focus of a clinical program actually is. The National Pro Bono Resource Centre draws a distinction between clinical programs which focus on the development of practical lawyering skills in a closely supervised environment, and organised pro bono activity which does not form part of the academic curriculum where the focus is community service.¹¹ 'The Centre believes that pro bono and clinical legal education programs should both exist in all law schools...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.'¹² One commentator has described clinical legal education as having 'twin pillars': social justice and pedagogy.¹³

In considering the many viewpoints that I have encountered, my aim is to provide a balanced approach. The clinic exists as a teaching and learning environment, but the pro bono aspect provides the over-arching philosophy governing the way that advice is given. Access to justice is a primary focus. On the other hand, clients are made aware and are required to acknowledge that the advice is given within a teaching and learning environment.

Candy writes about 'the apparent inadequacy of educational systems to cope with people's hunger for new skills and information.'¹⁴ This hunger manifests itself in law students who are eager for as much work experience as they can find. In today's tight graduate market, work experience is not easy to find. The student who is able to secure an unpaid work experience position is likely to obtain a paid graduate position at the end of it. Competition is fierce. Our law school is aware that it is producing even more graduates into an economy and a profession that cannot cope with an influx of even more lawyers. The Adelaide legal profession is small and there is no guarantee that after several years of study there will be a job at the end. I believe that as an institution we must do whatever we can to equip our students for the job market. This includes not only a sound theoretical education but also the provision of practical experience and an understanding of the role of the lawyer in society. The

⁹ Above.

¹⁰ Above, n 1, 9.

¹¹ Above, n 1, 10.

¹² Above.

¹³ Juliet Brodie, *Little Cases on the Middle Ground, Teaching Social Justice Lawyering in Neighbourhood Based Community Lawyering Clinics*, (2008-2009) 15 *Clinical L. Rev.* 333.

¹⁴ Philip Candy, *Self Direction for Lifelong Learning*, Jossey-Bass, San Francisco & Oxford, 1991, xiii.

Legal Advice Clinic provides a sound basis upon which our future graduates can rely for the experience they need to propel them into an uncertain future.

Rachel Spencer

Managing Solicitor's Report



I commenced the position of Managing Solicitor at the Legal Advice Clinic on 21 February 2011, which was the day the Clinic opened its doors to the public. The new role has been an exciting challenge for me. Whilst I have a solid background as community lawyer and have supervised junior legal practitioners, I have not previously worked in a clinical legal education environment. I look forward to continuing my involvement in the Clinic. I feel fortunate at having the opportunity to help University of South Australia law students further develop their professional skills and also provide a valuable service to the community.

Since opening, the Clinic has grown at a rapid rate. In 2011, 67 law students either worked or were involved in the work of the Clinic. In one year, the Clinic has assisted almost 300 people. The breadth of the work has included criminal, general civil, family, employment, tenancy, and debt related issues. The Clinic has provided assistance by way of advice and the drafting of written correspondence and court documents. Highlights include assisting people to negotiate hardship agreements with their credit providers; appeal driver's licence disqualification at the Magistrates Court on the basis of suffering severe and unusual hardship; and recover monies in respect to losses suffered for motor vehicle property damage and the purchase of faulty goods.

The Clinic also collaborates with the wider legal sector and service providers. The Clinic has referred numerous clients to JusticeNet, Community Legal Centres, the Legal Services Commission, as well as various legal practitioners in private practice. It has also linked clients to various domestic violence and financial counselling services.

The Clinic has also conducted two community legal education sessions (one in collaboration with the Northern Community Legal Service Inc) in the northern suburbs of Adelaide for Anglicare's Urban Money Management Programme about the importance of having a will. The Clinic also participated in the "Homeless Expo' organised by Shelter SA on 20 October 2011.

The Clinic is an active participant and a member of the South Australian Legal Assistance Forum, South Australian Council of Community Legal Centres, and the Consumer Law Consultative Forum.

I look forward to the Clinic continuing to provide an environment which allows University of South Australia law students to develop their legal skills, and to be exposed to a culture which fosters access to justice by providing legal assistance to those in need.

Matthew Atkinson

What We Do

Areas of Advice and Assistance

The Clinic currently provides legal advice in a variety of areas of law, including minor criminal matters, minor civil matters, fencing disputes, neighbour disputes, residential tenancy issues, consumer law, family law and building disputes. In areas where the Clinic does not have the expertise or the resources to assist a client, the client will be referred to another organisation which will be able to assist. Care is taken to ensure that any referral will result in assistance for the client. The monthly reports show the number of types of matters that have been dealt with each month.

Given the Clinic's Mission Statement to *provide competent and timely free legal advice as a community service to members of the public, particularly to those who might otherwise be denied access to justice because of financial or social disadvantage*, the Clinic's priority is to assist clients who might otherwise be denied access to justice because of financial or social disadvantage. However, should the Clinic be able to assist clients (taking into account the available resources and expertise of the Managing Solicitor or other supervising solicitor) who are not financially or socially disadvantaged, but are able to provide an educational opportunity for law students to develop practical legal skills, the Clinic will assist such clients.

In 2011/12, the Clinic has provided advice and assistance in the following areas of law:

Building Dispute	Family Law
Consumer Credit	Fines
Commercial Litigious	Government Admin
Commercial Transactional	Immigration
Consumer Dispute/Complaint	Intervention Orders
Contract	Minor Civil Claims
Criminal	Motor Vehicle Property Damage
Debt	Neighbourhood Dispute
Discrimination	Tenancy
Employment	

Port Adelaide Magistrates Court Outreach Service

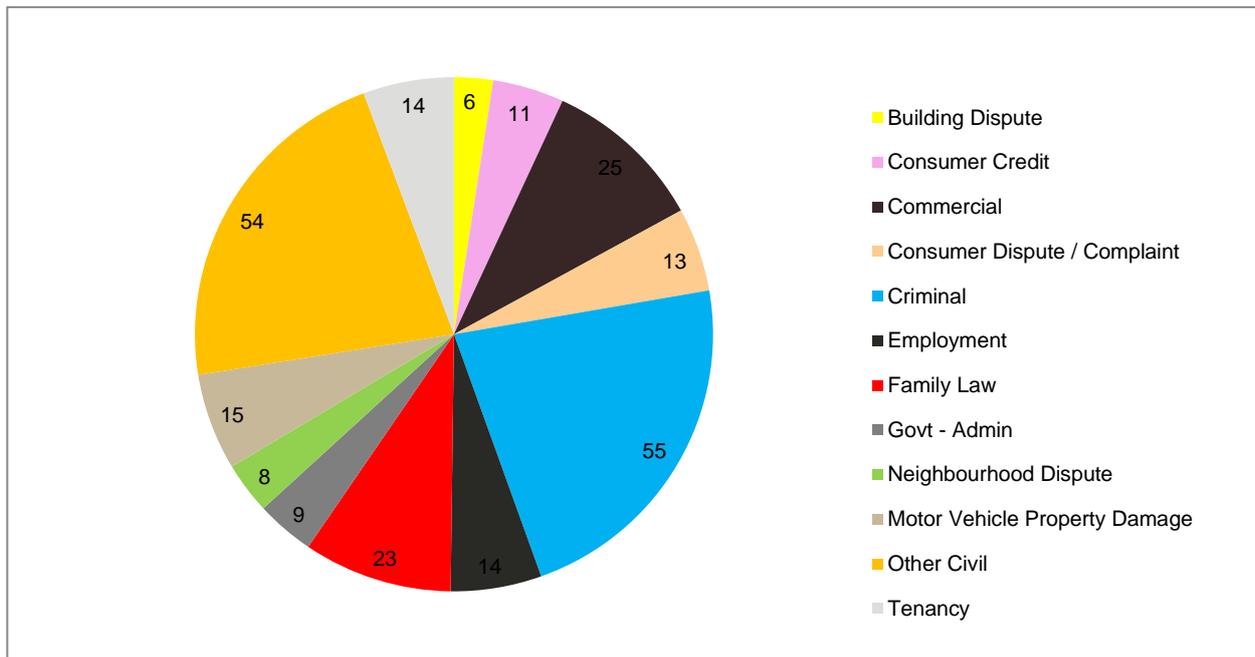
The Port Adelaide Magistrates Court Outreach Service was officially opened on 7 October 2011 by Chief Magistrate Ms Elizabeth Bolton. The Outreach service runs most Fridays and is developing into a valuable service for the Court and the local community. The Clinic runs a 'drop in' service and aims to assist unrepresented litigants where there is a power imbalance. The Clinic will often assist clients in the in the minor civil jurisdiction for motor vehicle property damage matters where the 'other side' is represented by a para-legal from an insurance company. The Clinic also assists clients in the criminal jurisdiction for summary offences.

Community Legal Education

The Clinic conducts community legal education to community groups and to members of the general public. Community legal education raises community awareness and understanding about the law and legal processes. Dissemination of legal knowledge empowers and assists people to seek solutions to issues that affect their lives.

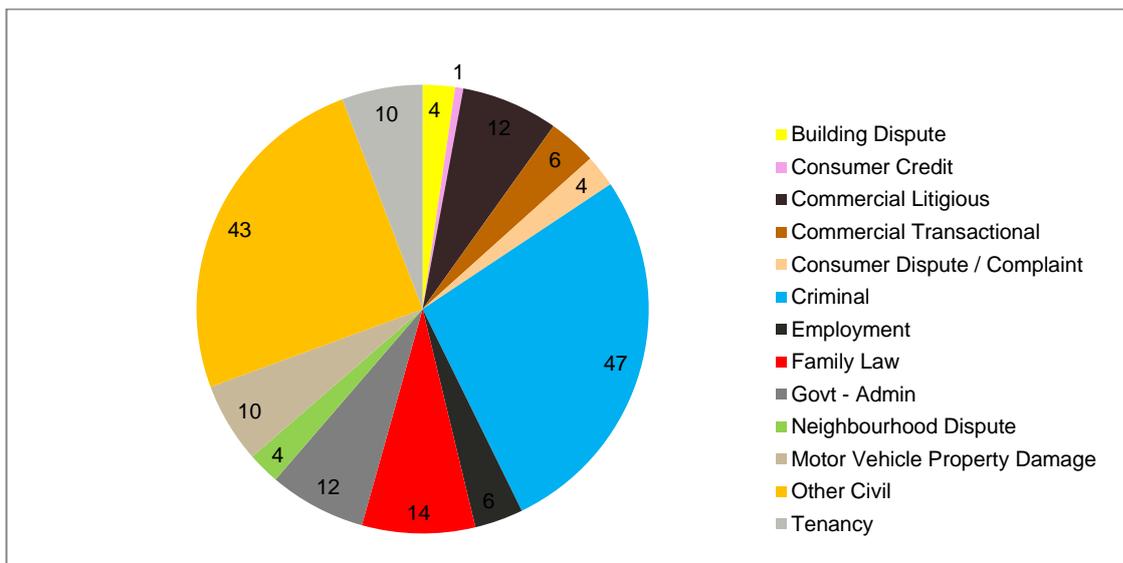
Matter Types: February to December 2011

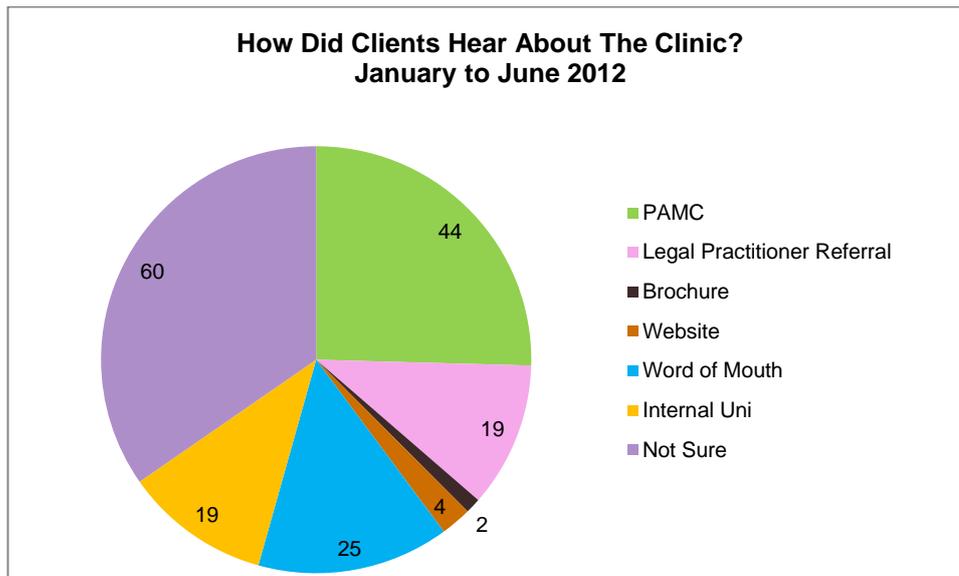
Legal Advice Clinic Report - February to December 2011																							
Month	Matter Types												Students Involved				No. of Clients	No. of Files Opened	No. of Active Files	No. of Closed Files	YTD No. of Clients	YTD No. of Files Opened	
	Building Dispute	Consumer Credit	Commercial	Consumer Dispute / Complaint	Criminal	Employment	Family Law	Govt - Admin	Neighbourhood Dispute	Motor Vehicle Property Damage	Other Civil	Tenancy	Elective	GDLP	Volunteer	PC/Tute Students							
Feb	0	0	0	0	0	0	0	0	0	0	0							0	0	0	0	0	0
Mar	0	0	2	3	0	1	1	0	0	1	2							11	12	12	0	11	12
Apr	0	1	1	1	0	1	2	1	1	1	3							12	12	13	11	23	24
May	2	2	3	1	2	1	1	1	1	2	5							19	21	18	16	42	45
Jun	2	3	3	4	1	2	4	2	0	1	10							33	33	29	22	75	78
Jul	0	0	0	0	9	3	5	0	2	0	8							31	31	32	28	106	109
Aug	0	3	6	0	12	1	1	2	0	1	7							35	35	28	39	141	144
Sept	1	1	3	1	6	3	0	1	2	4	4							28	28	30	26	169	172
Oct	0	0	4	2	17	1	1	0	1	3	7							37	37	33	34	206	209
Nov	1	1	2	1	6	1	6	2	0	2	6							30	30	30	33	236	239
Dec	0	0	1	0	2	0	2	0	1	0	2							8	8	26	12	244	247
Total	6	11	25	13	55	14	23	9	8	15	54	14	10	8	0	20	244	247	221	244	247	247	



Matter Types: January to June 2012

UniSA Legal Advice Clinic Report - January to June 2012																				
Month	Matter Types													No. of Clients	No. of Files Opened	No. of Files Closed	Total No. of Active Files	YTD No. of Clients	YTD No. of Files Opened	Total Cumulative No. of Files Dealt With Since Start of Clinic
	Building Dispute	Consumer Credit	Commercial Litigious	Commercial Transactional	Consumer Dispute / Complaint	Criminal	Employment	Family Law	Govt - Admin	Neighbourhood Dispute	Motor Vehicle Property Damage	Other Civil	Tenancy							
Jan	0	0	2	0	0	8	0	2	0	0	1	5	1	19	19	18	27	19	19	267
Feb	0	1	2	1	0	9	0	1	0	0	0	8	3	25	25	21	31	44	44	292
Mar	0	0	2	0	0	11	2	2	3	1	4	10	2	36	37	29	39	80	81	329
Apr	1	0	0	1	0	6	1	3	2	0	2	9	2	25	27	28	38	105	108	356
May	1	0	3	3	1	4	1	2	5	0	0	2	1	23	23	35	26	128	131	379
Jun	2	0	3	1	3	9	2	4	2	3	3	9	1	42	42	29	39	170	173	421
Total	4	1	12	6	4	47	6	14	12	4	10	43	10	170	173	160				





Case Studies of Client Assistance

Clinic highlights include:

- We assisted a client with a criminal conviction to draft a statutory declaration, which was required as part of an application to work as an enrolled nurse. This application was successful.
- Student Advisors assisted a client with a motor vehicle property damage claim. The Student Advisors helped the client through the entire process including drafting the final notice, statement of claim, applying for judgment in default, and enforcing judgment. Ultimately, the client received payment of monies by instalments from the defendant. In writing about the experience, the student involved says, "My knowledge of court documents and proceedings increased significantly. It was really satisfying to help my client on this matter."
- A client came to the Clinic after an insurance company would not pay for the client's motor vehicle property damage. The Clinic helped the client write a detailed letter in the client's name to the Financial Ombudsman Service highlighting why the insurance company's decision not to indemnify the client for the loss was wrong. The letter was successful and the insurance company promptly paid the client for the loss. The client was very happy with the outcome.

- We advised a client about the client's rights under the Family Law Act concerning a dispute about the parenting of a child post separation. The Clinic also assisted this person in preparing for mediation at the Family Relationships Centre.
- We assisted a client with a guilty plea for the offence of misusing a motor vehicle. The client was able to highlight relevant mitigating factors to the Court including a submission about 'his actions being the product of poor judgment and youthful exuberance.' The client received a minimal penalty and thus was pleased with the outcome.
- The Clinic assisted a person to protect and exercise her rights under the *National Consumer Credit Protection Act 2009*. The client attended the Clinic with a Magistrates' Court claim issued by her finance provider, not knowing what to do. The client had fallen into arrears with her credit card due to unemployment and had attempted to make a hardship request to her finance provider. The finance provider refused and demanded payment of a sum of money which the client could not afford. The Clinic helped the client draft a defence to the finance provider's claim, advised her about making an urgent complaint to the Financial Ombudsman Service, and referred her to a financial counsellor for budgeting assistance.
- The Clinic assisted a person involved in a motor vehicle accident who had no car insurance. The other driver's insurance company was threatening legal action. The Clinic assisted the person in getting the insurance company to accept that both parties were liable to some extent for the motor vehicle accident. Further to this, the Clinic helped the person to negotiate a settlement which was payable by instalments.
- The Clinic assisted a person disqualified from holding a driver's licence to appeal against the disqualification on the basis of hardship. The client was a single mother who relied on her licence to take her daughter to school and also to run a marketing business. The Clinic helped the client to prepare for her hearing at the Port Adelaide Magistrates' Court. The client was successful in appealing the decision to disqualify her from holding a driver's licence.
- We provided advice to two victims of domestic violence about restraining orders and their rights under the *Family Law Act*. These persons were also referred to appropriate legal and domestic violence counselling services.

- We provided advice and assistance to a migrant from a Non-English speaking background about making an unfair dismissal application. This person was also referred to the Fair Work Ombudsman for assistance in pursuing a possible underpayment of wages claim.
- We provided advice and assistance to a person who had received a statement of claim for unpaid rates; the Clinic assisted with drafting court documents to defend the quantum of the claim on the basis of the plaintiff's non-compliance with Magistrates' Court Rule 20A and referred this person to a financial counsellor to get assistance with budgeting.

Activities and Events

Official Opening: Legal Advice Clinic

The Legal Advice Clinic was officially opened on Friday 13 May by The Hon Robert McClelland MP, Attorney-General for Australia. A large number of local legal practitioners, members of the judiciary, Members of Parliament and representatives of a variety of community organisations attended the event which attracted widespread media publicity. In his opening speech, Mr McClelland noted that 'a critical part of access to justice is ensuring people are able to access practical, affordable information and advice on the options to help them resolve their disputes at the earliest possible stage.'



L-R: Professor Paul Fairall, The Hon Robert McClelland MP, Professor Peter Høj, Professor Gerry Griffin.

Launch: Port Adelaide Outreach Service



On Friday 7 October 2011, the Chief Magistrate of South Australia, Ms Elizabeth Bolton officially opened the Port Adelaide Outreach Service of the UniSA Legal Advice Clinic. This was an exciting development for the Clinic. The free Port Adelaide Outreach Service is available as a 'drop in' service every Friday to users of the Port Adelaide Magistrates Court who require advice or assistance.

Rachel Spencer speaking at the Port Adelaide Outreach launch.

Homeless Persons Expo

Legal Advice Clinic students, together with students of the School of Health Sciences and the School of Pharmacy and Medical Science, took part in the Homeless Persons Expo at Whitmore Square, Adelaide, 20 October. The Expo is a joint program run by Shelter SA, Adelaide City Council and Housing SA. Legal Advice Clinic students handed out brochures about our service to people who are homeless or at risk of homelessness. The event provided an excellent opportunity for UniSA Clinics – Podiatry, Physiotherapy and Legal – to collaborate and raise their profile with other service providers across the homeless, health and housing sectors.



Community Legal Education

On 17 October 2011, the Clinic conducted a community legal education session presentation for the Aboriginal Elders' Village at Daveron Park. The two-hour presentation covered the topic of wills and estates, including what happens if you do not have a will, how to contest a will, what is probate, and how to find help in relation to matters involving wills.

A similar presentation was also made in collaboration with the Northern Community Legal Service Inc in the northern suburbs of Adelaide for Anglicare's Urban Money Management Programme. This presentation focussed on the importance of having a will.

Acknowledgements

The enormous success of the Legal Advice Clinic within a relatively short period of time is a result of dedication and commitment by a number of UniSA staff. The energetic hub of activity that can be observed every day in our purpose-built clinic office is a consequence of the many hours of work that were devoted to the clinic's establishment in those early days back in 2010 and throughout 2011 as the program developed. Special thanks are due to Gemma Agnew, Maggie Ball, Erin Bowler, Jackson Jaensch, Peter McFarlane, Louise Seaman, Leanne Steele, Alicia Stengert, Julie Watt and Vicki Waye for their enthusiasm and support for a vision that has been realised, and will continue to grow to strengthen access to justice and support legal education in South Australia.

Rachel Spencer

Director: Professional Programs