

Annual Report

University of South Australia
Legal Advice Clinic



2013



University of
South Australia

Legal Advice
Clinic

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Dean's Message

I am pleased to be able to write an introduction to the 2013 Annual Report of the University of South Australia School of Law Legal Advice Clinic. The Clinic was officially opened by the (then) Commonwealth Attorney-General the Hon Robert McClelland on 13 May 2011. It represented the culmination of much work by its foundation director, Ms Rachel Spencer. The UniSA Law School has always put a strong focus on the inculcation of legal skills as part of its legal training. It is also a Law School which is committed to the ideals of community outreach and service. The Legal Advice Clinic not only provides an opportunity for law students to be engaged in the conduct of a *pro bono* law practice, it also provides disadvantaged members of the community with access to free legal advice. This is especially important in an environment where government funding for legal aid is unable to keep up with the demand.

During the course of 2011 the Clinic opened an outreach service at the Port Adelaide Magistrates Court. Students (under the supervision of a qualified legal practitioner) provide advice to clients in respect of a range of matters. We are hoping to replicate this service at the Elizabeth Magistrates Court, with a focus on consumer debt matters.

I hope that you will take some time to read this Report. We believe we have a good story to tell. One particular point of interest is that since the Clinic commenced in 2011 it has undertaken work which (if charged according to the relevant scale of fees) would have cost clients over \$700,000. I congratulate all those involved in the work of the Clinic. They continue to provide an important service to the community.

Associate Professor Peter MacFarlane
Dean of Law, University of South Australia

Introduction

The year 2013 was the third year of operation of the Legal Advice Clinic at the University of South Australia. This second Annual Report demonstrates the growth in our service to the community and the demonstrable impact that it has on the lives of the clients whom we help and the students who are involved in the clinical legal education program.

There is a continued unmet need for legal services in our community. The Legal Advice Clinic aims to assist in providing access to justice for those who need it, whilst simultaneously fostering a pro bono ethic in law students. 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 Annual Report highlights the achievements of the Legal Advice Clinic in its second year of operation and demonstrates the adherence of everyone involved to its values:

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

Mission, Vision & Values

Mission

The Clinic's Mission Statement defines the Clinic's fundamental purpose and describes why it exists and what it does to achieve its Vision.

- To provide an educational environment which promotes access to justice and encourages law students to be client-centred, ethical practitioners.
- 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.
- To provide a referral service to all members of the community where the Clinic is unable to assist (for both legal and non legal services).
- To provide an educational environment which assist law students to develop practical legal skills.
- To develop and consolidate relationships and develop synergies with other organisations in a manner which is mutually beneficial for those other organisations, clients, students and the Law School.
- To develop and strengthen a research culture which promotes the Clinic as an international leader in clinical legal education.

Vision

UniSA Legal Advice Clinic will develop a reputation as the most innovative, most respected, best resourced, most research-active clinical legal education institution in Australia. It will be recognised as the national leader in clinical legal education in its teaching, research and community involvement, and an international authority on clinical legal education. The Legal Advice Clinic will be the focus of the UniSA Law degree's 'capstone' year, providing all Law students with the benefits of clinical legal education and will be recognised nationally and internationally as providing a 'best practice' model.

Values

Values drive an organisation's culture and priorities and provide a framework in which decisions are made. The values of the UniSA Legal Advice Clinic are:

- 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 many 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 the core course *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 of mentoring as they assist new students who come into the program.

Finally, there are a number of students who choose to volunteer in the Clinic, either as advisors or as administrative assistants, 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 a successful pilot program of running the *Professional Conduct* tutorial program through the Clinic in 2011 and 2012, this is now a standard part of the *Professional Conduct* course. A similar trial took place for *Civil Procedure*, and Clinic files are now also used in selected tutorials for that course as well. The use of real cases as the basis for discussion has been found to be particularly successful. The Legal Advice Clinic opens approximately thirty new files per month. This provides a rich variety of case studies which can be used beyond the Clinic in other aspects of the curriculum. The Clinic advises clients in a number of areas of law. The main areas are criminal law, minor civil

claims, tenancy matters and family law. The minor civil claims files provide excellent examples for students in the *Civil Procedure* course to develop an understanding of litigation theory. All files potentially offer ethical issues. Students appear to prefer the use of real legal problems over fictitious dilemmas as tutorial problems. The use of real legal problems is designed to eliminate the ‘abstract’ feeling which can be experienced by students who work on fictitious legal problems. Even though the *Professional Conduct* and *Civil Procedure* students are not directly involved with the clients, there is a direct connection between the application of knowledge and a real client issue, a problem that a real person has actually experienced. Quite often the students will ask questions about the client, and how the matter was resolved in the end. Notions of empathy are far more easily discussed and examined when there is a real person to whom emotions can be attached.

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.

Students Involved in the Clinic - January to December 2013						
Month	Elective	GDLP	Volunteer	Total Student Advisors Working in Clinic	Tutorial Students	
					Civil Procedure	Professional Conduct
January	0	8	5	13	0	0
February	8	13	5	26	60	51
March	7	12	3	22	60	51
April	7	11	4	22	60	51
May	8	10	3	21	0	0
June	9	9	3	21	0	0
July	8	10	3	21	0	0
August	8	11	3	22	0	0
September	4	8	3	15	0	0
October	6	8	4	18	62	72
November	6	5	4	15	62	72
December	<i>Clinic Closed 26 November 2013 to 5 January 2014 Inclusive for Christmas/New Year</i>					

Report from the Director: Professional Programs



It is with great pleasure that I present the second Annual Report of the University of South Australia Legal Advice Clinic. Three years have elapsed extremely quickly, and a vast amount of work has been performed by more than 80 students for over 750 clients. Many of our Clinic students have now graduated and we are always delighted to hear their news about their lives as employed legal practitioners.

My particular focus over the past year has to been to develop a pedagogy of integration of clinical legal education ideals within the broader undergraduate law curriculum. The development of a law curriculum which integrates clinical pedagogy with legal theory has long been advocated as the way of the future. In 2002, for example, the Law Commission of India handed down a report stating that clinical legal education should be compulsory.¹ In 2007 the Carnegie Report² recommended that law schools should offer an integrated curriculum that includes legal doctrine and analysis, an introduction to the several facets of practice as a lawyer, and an exploration and assumption of the values and identity of a practising lawyer.³ Also in 2007, the Clinical Legal Education Association's *Best Practices for Legal Education Report*⁴ provided a bleak view of legal education in the United States and recommended that experiential education play a much greater role.

Like most clinical programs, the clinical program which operates at the University of South Australia is founded upon two main pillars.⁵ The first is to provide law students with the opportunity to be a part of the operation of legal theory in a practical setting and to develop specific legal skills such as interviewing and drafting. The second is to provide access to justice to members of the community who might otherwise not have such access. Bloch notes that clinical legal education 'presents the legal academy with a unique opportunity to cut across [the] traditional lines of conflict' between academic inquiry and practical training and service delivery but that it still occupies 'an uncertain place in the legal academy.'⁶ It is not the intention of this article to explore the already vast literature on clinical scholarship,⁷ but it is certainly worth noting that the debate about the role of clinical legal

¹ Margaret Barry, 'Clinical Legal Education in the Law University: Goals and Challenges', (2007) 27 *International Journal of Clinical Legal Education* 27, 29.

² Sullivan et al. (2007). *Educating Lawyers: Preparation for the Profession of Law (Summary)*, The Carnegie Foundation for the Advancement of Teaching, available at: <www.carnegiefoundation.org/files/elibrary/educatinglawyers_summary.pdf>

³ Above, 8.

⁴ Roy Stuckey et al. (2007) *Best Practices for Legal Education*, Clinical Legal Education Association, esp chapters 1, 2 and 5.

⁵ See also T.O Ojienda and M. Oduor, 'Reflections on the Implementation of Clinical Legal Education in Moi University, Kenya', (2002) 2 *International Journal of Clinical Legal Education* 49; Frank S. Bloch, 'The case for clinical scholarship', (2004) 6 *International Journal of Clinical Legal Education* 7, 8.

⁶ Frank S. Bloch, 'The case for clinical scholarship', (2004) 6 *International Journal of Clinical Legal Education* 7.

⁷ See Bloch, above.

education within law schools continues, most notably around the question of funding. Whilst the value of clinical education seems to be generally acknowledged, the (lack of) funding for clinical programs remains an omniscient dilemma.

The Legal Advice Clinic's outreach service at the Port Adelaide Magistrates Court has been facilitated by a grant from the Law Foundation of South Australia Inc. Funds from the Law Foundation also enabled us to produce two booklets for use by the public: *Pleading Guilty* and *Setting Aside Judgment in the Magistrates Court* have been and continue to be useful resources for our clients. The brochures are available at Magistrates Court Registries.

For many students, this was their first experience reading a real legal file. The files provide an opportunity for students to learn about the basic mechanics of file keeping. In addition, seeing real letters of advice going out to real people can be enlightening for students whose only connection with law has been through academic essays and exams.

I liked that we got to see the practical considerations that go into legal files and not just learning about things in the abstract all the time.

Using practical examples makes it easier to understand concepts, and particularly obligations to the court and clients.

Using the files and discussing them in class certainly made me much more aware of the sometimes difficult situations lawyers find themselves in – particularly when to breach client confidentiality or not – in cases of imminent threat etc.

I think it provides students with a valuable opportunity to taste what life is like in a firm, and illustrates far more clearly the importance of professional conduct when you are having to consider real people.

By using the clinic files it gives us a better idea of what to expect beyond the world of study. When and if we start a placement or employment in a law firm or community legal centre we will already be familiar with how a client file may look, and the information that may be there, or may be missing.

The concept of confidentiality was extremely relevant and made understanding of what appears to be a very simple concept more crucial.

It was the first time in my law degree that we had the opportunity to analyse and discuss real files. This not only gave me the opportunity to see how advice is given but also to see how legal letters and files are structured.

The use of Clinic files made the learning process much easier to understand, as I was more engaged knowing that the case files are real examples. For example, the case files highlight the importance of what ethical issues are involved (i.e. boundaries you stay within), what type of role you have to play when advising (i.e. the do's and don'ts), as well as how to read and understand Clinic files. The Clinic files allowed for more interaction between classmates and for more open discussion which made learning how not to compromise one's professionalism an invaluable learning experience.

We stress to students that their access these files is a privilege. Students are taught in *Professional Conduct* that to hold the position of officer of the court is a privileged role in society, not least because they become privy to the private and confidential information that is told to them by their clients. This provides a tangible basis for discussions about 'the privilege which is granted to them by the community (via legislation)' and the fact that 'the public must be satisfied that the privilege is being exercised in the public interest.'⁸ Having access to 'real' facts is instrumental in re-enforcing this message.

Students are also required to sign a Confidentiality Agreement.⁹ For the rest of the term, at the beginning of each tutorial, the writer asks the tutorial class if there is anyone present who has not signed a confidentiality agreement. Students are always reminded at the beginning of every tutorial that they are not permitted to discuss the files outside of the tutorial.

It is one thing to invent a fiction and to recount that fiction in an engaging way. It is quite another to tell a true story. It is an essential quality of being human that we love to tell and to listen to stories. To devise a fictitious tutorial problem to which students must apply their knowledge can be interesting and even engaging for students. One reaction that supports this was:

I found it useful to deal with real life scenarios rather than made up scenarios... complete with confusing information, gaps in information and convoluted stories. It is far more realistic.

To tell students that 'this really happened' always garners extra interest. In the words of one student:

They're real-world cases. It beats all the lame made-up examples -- not to blame the academics or even text books, you can't help but lean toward the absurd when you're trying to invent an example. So while they're fun, and may illustrate a point, they're not the kind of thing you are dealing with in the real world.

⁸ Dickson, p 41-42.

⁹ See Appendix 1.

It is critically important to constantly infuse pedagogy with the recognition that the driest of High Court judgments originated with an agitated, angry or tearful client sitting in a lawyer's waiting room. The student experience must be perpetually linked to this human dimension, which has been argued to be 'sorely lacking in law school pedagogy.'¹⁰ Barry puts it simply and succinctly: '[c]linics expose students to the impact that the practice of law has on people.'¹¹ So even if the students are not directly dealing with the clients themselves, but only reading and working from the file, the fact that the students have contact with a 'real problem' that 'actually happened' has a far greater impact than discussing the hypothetical impact of the law on a fictitious character in a fictitious tutorial question. For example, one student said:

... it is dealing with 'live' situations and real facts and real gaps in facts. Text books are great but even the most inventive case scenarios can only prepare us so much, I think working 'hands-on' with real files is a priceless opportunity.

There was (sic) good examples of where conflict of interest may apply and there was a file which involved a minor with their parent and there was (sic) convoluted issues to do with who was the client, that was very useful.

You get to touch and work with a real-life file. You're dealing with something that actually happened, as it happens and not just as an end result judgment coming from a court. You actually get to see the work that is put in, how the file is constructed and work out what the facts are for yourself.

In July 2013, Matthew Atkinson and I presented a paper entitled *Towards a pedagogy of the integration of an on-site clinic within the law curriculum: using de-identified clinic files within tutorial programs* at the International Journal of Clinical Legal education and Australian Clinical legal Education combined conferences. I also published an article entitled *Holding up the Mirror: A theoretical and practical analysis of the role of reflection in Clinical Legal Education* in the International Journal of Clinical Legal Education. This article was written in the spirit of generosity and sharing that I have encountered in all my dealings with other clinicians, in South Australia, interstate and overseas, and I hope that it will be of benefit to other clinical teachers and supervisors, and ultimately our students and our clients. I have certainly learnt a lot from my clinical colleagues both in Australia and overseas; the spirit of collegiality in which we all work is inspirational.

Rachel Spencer

¹⁰ Schehr, p 41.

¹¹ Barry, above, n1, 30.

Managing Solicitor's Report



The 2013 year was a productive one for the Clinic. As at the 10 October 2013, we have performed \$636,817.50 worth of pro-bono work since we opened our doors to the public on 21 February 2011. This year we have helped over 300 people with a range of legal problems including consumer credit, consumer disputes, neighbourhood disputes, motor vehicle property damage, road and motor vehicle regulatory offences, tenancy, and employment.

The Clinic continues to provide assistance to clients at the University of South Australia City West Campus and also at the Port Adelaide Magistrates Court. The latter service has been made possible by the kind support of the Law Foundation of South Australia. Additionally, the Law Foundation has financially assisted the Clinic to produce two brochures, '*Pleading Guilty – Know Where You Stand*' and '*Setting Aside Judgment in the Magistrates Court*'. These publications have been distributed throughout the community with the hope that they will be of benefit to those who need help navigating the legal system and court procedure.

I am aware that the Clinic enjoys a strong reputation at the Port Adelaide Magistrates Court. Our services are held in high regard by the Magistrates, court staff, and legal practitioners. Further to this, the Clinic is a reliable referral point for the Legal Services Commission, Office of Consumer and Business Services, Business SA, legal practitioners and local courts.

We have been fortunate to receive positive feedback from a number of clients whom we have helped. This paraphrased extract from a thank you card sent to us epitomises the service that we aim to provide:

"We enjoyed the wonderful law advice services. You guys taught us how to do things step by step. Your professional guidance and advice gave us full encouragement and confidence. We won, finally! We thank you guys from the bottom of our hearts. We think that all of your law students will be great lawyers."

The Clinic's service provides a tremendous benefit to the community and the legal profession. It provides accessible legal services to disadvantaged and vulnerable members of the community, whilst at the same time allowing law students to utilise their legal knowledge and further develop their professional skills. Further to the above extract, I hope that the law students involved in the Clinic go on to be great lawyers, and measure this greatness by their ability and willingness to provide access to justice for all.

I am extremely proud of the Clinic's achievements in the last year and I would like to thank and acknowledge the efforts of all staff and students for their individual contributions to the Clinic's success. I look forward to building on the achievements we have made for this year.

Matthew Atkinson

What We Do

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.

Areas of Law

COMMERCIAL LITIGIOUS
COMMERCIAL TRANSACTIONAL
CONSUMER CREDIT
CONSUMER DISPUTE/COMPLAINT
CONTRACT
CRIMINAL
DISCRIMINATION
EMPLOYMENT
FAMILY
FINES
GOVERNMENT ADMIN
IMMIGRATION
INTERVENTION ORDERS
MOTOR VEHICLE PROPERTY DAMAGE
NEIGHBOURHOOD DISPUTE
OTHER CIVIL
TENANCY

Port Adelaide Magistrates Court Outreach Service



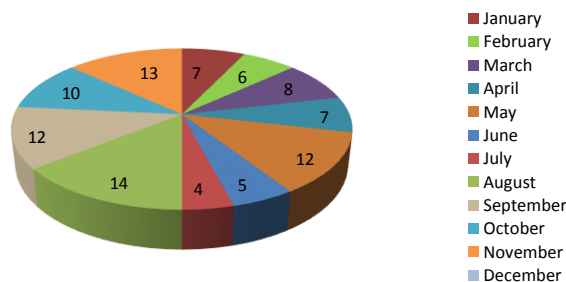
In 2011, the Clinic was a recipient of a grant from the Law Foundation of South Australia to assist with the establishment of an outreach service at the Port Adelaide Magistrates Court. This service has been extremely successful and is now an important part of the Port Adelaide Magistrates Court. In the last year, the Clinic has helped over 80 people in the Port Adelaide Magistrates Court with a range of matters including criminal, fines, civil and neighborhood disputes.

Gillian Drummond, Acting Supervising Registrar, says that the feedback received from court users regarding the Clinic has been very positive. *“We have a lot of unrepresented people attend our court and the introduction of the Clinic has allowed them to get some advice before they attend their matter so that they are more prepared, often resulting in a more positive outcome for them. Feedback has in particular been supportive of the follow-up service by letter that court users receive. The Magistrates and court registry staff have also been very supportive of this service as it allows us another avenue to refer court users to, many of whom cannot afford legal representation”.*

Assisting at the Port Adelaide Magistrates Court provides students with experience in dealing with members of the community who are about to face court, and who are unsure of what to expect in court. Lauren (former Student Advisor) describes her experience as follows:

“At the drop in service at the Court, my communication, advocacy, team and interpersonal skills were really challenged. At that service we saw clients who were considerably more disadvantaged than the clients we normally saw at our other location. A number of these clients may have intellectual disabilities, suffer from mental illness or are in serious financial hardship. I learnt to communicate and assist people from all walks of life. We were expected to be able to communicate with solicitors, court staff and then those with intellectual disability or mental illness. It is a very rewarding experience, you learn to adapt your communication skills to each scenario very quickly and that has been invaluable personally and professionally.”

Total Clients at PAMC - January to December 2013



Highlights from the Port Adelaide Magistrates Court Outreach Service include:

- The Clinic assisted two clients with matters which ultimately went to trial in the Magistrates Court minor civil division. The first client was successful in having the claim against him dismissed after the evidence was taken. The second client was successful in settling his dispute on the day of the trial, and was very pleased with the result.
- Helping an elderly couple to recover compensation for property damage done to their house. The person who caused the damage initially denied responsibility, and told the couple that there was nothing that could be done. The Clinic helped the couple draft a final notice of demand to send to the person concerned; compensation for the damage was eventually paid.
- Helping an apprentice electrician with a guilty plea for a drink driving offence. The Clinic was able to assist with preparation of the plea which outlined all of the mitigating factors, and also the client was advised about obtaining referee letters. The client advised that he received the minimum penalty and was extremely pleased with the assistance.
- A client made an appointment with the Clinic because he could not obtain the necessary licence for employment in his chosen field due to a prior expiation notice. The Police objected to the applicant holding a security licence on the basis that the expiation notice is evidence that the applicant is not of proper character to hold the licence. The applicant came to the Clinic asking for our assistance in drafting a response to the objection in order to prove to the Commissioner (the licence provider) that he is of proper character to hold the licence despite the prior offence. We drafted his response for him and received a successful outcome.
- A client attended the Clinic's Port Adelaide Outreach service seeking assistance after being informed by the Magistrates Court that her previous convictions for theft could be spent, meaning they would not appear on any police checks. This client is an unemployed single mother who is keen to work in the elderly care industry. The client was uncertain as to whether anything was required to be done by her to have the convictions spent. As well as researching this query, the Clinic also assisted with drafting the application to have the convictions exempted from police checks. Having her convictions spent will mean that the client will be in a better position to find employment in her chosen field.

Community Legal Education

Legal Health Workshop

The Clinic conducted a Legal Health Workshop to the Burundi Community at the Peachey Place Living Skills Centre, Davoren Park. The presentation included brief information about general day-to-day legal issues. The Clinic spoke about tenancy agreements, police powers, Centrelink, wills and estates and consumer rights. The duration of the presentation was 1.5 hours and the students were assisted by a translator who spoke Kurrundi.

Publications

Over the past year, the Legal Advice Clinic produced and published two self-help booklets entitled, 'Pleading Guilty – Know Where You Stand' and 'Setting Aside Judgment in the Magistrates Court' with the assistance of the student advisors. Copies of these booklets were distributed to Magistrates Courts and Community Legal Centres within the Adelaide metropolitan area and local members of Parliament. In addition, the booklets were uploaded to the Legal Advice Clinic website and Facebook page.

Community Legal Education and Reform Database (CLEAR)

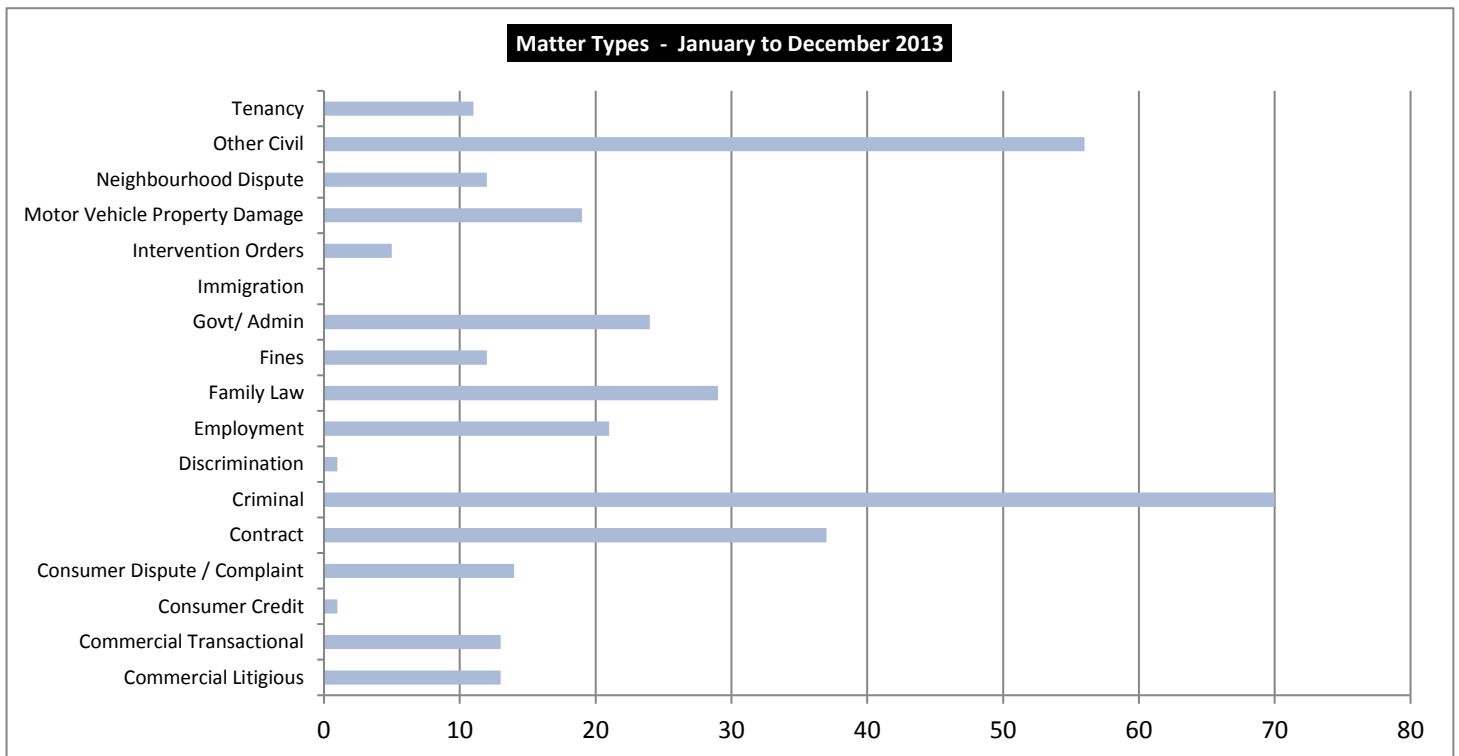
The Community Legal Education and Reform Database showcases community legal education and law reform projects undertaken by Australian Community Legal Centres and other nonprofit legal services. Both the 'Pleading Guilty – Know Where You Stand' and 'Setting Aside Judgment in the Magistrates Court' self-help booklets have been published on the CLEAR database.

Presentation: International Journal of Clinical Legal Education Conference

Rachel Spencer and Matthew Atkinson presented a paper entitled *Towards a pedagogy of the integration of an on-site clinic within the law curriculum: using de-identified clinic files within tutorial programs* at the International Journal of Clinical Legal Education and Australian Clinical Legal Education combined conferences in July 2013.

Statistics

Clinic Monthly Report - January to December 2013																										
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. Files Opened	Total Cumulative No. of Files Dealt With Since Start of Clinic		
	Commercial Litigious	Commercial Transactional	Consumer Credit	Consumer Dispute / Complaint	Contract	Criminal	Discrimination	Employment	Family Law	Fines	Govt/ Admin	Immigration	Intervention Orders	Motor Vehicle Property Damage	Neighbourhood Dispute	Other Civil	Tenancy									
Jan	1	1	0	0	5	3	1	3	4	1	1	0	1	1	2	4	2	28	30	24	49	28	30	621		
Feb	0	1	0	2	1	11	0	0	1	0	0	0	0	1	1	7	1	26	26	32	43	54	56	647		
Mar	2	1	0	1	3	8	0	3	2	0	3	0	0	4	1	8	1	36	37	27	53	90	93	684		
Apr	0	2	0	5	0	9	0	3	1	1	1	0	1	1	2	5	0	30	31	39	45	120	124	715		
May	2	1	0	1	6	4	0	2	2	2	5	0	0	3	1	7	2	38	38	33	50	158	162	753		
Jun	1	1	0	0	5	3	0	3	2	0	4	0	1	0	0	7	0	26	27	29	48	184	189	780		
Jul	2	4	0	0	3	4	0	0	1	0	1	0	0	2	1	1	1	19	20	28	40	203	209	800		
Aug	1	1	0	0	4	11	0	2	3	2	3	0	0	1	0	6	2	36	36	28	48	239	245	836		
Sep	1	1	0	2	4	3	0	3	5	2	4	0	1	3	0	4	2	35	35	31	52	274	280	871		
Oct	3	0	1	1	3	8	0	2	2	4	1	0	0	2	2	6	0	35	35	48	39	309	315	906		
Nov	0	0	0	2	3	6	0	0	6	0	1	0	1	1	2	1	0	23	23	41	21	332	338	929		
Dec	Clinic Closed 26 November 2013 to 5 January 2014 Inclusive for Christmas/New Year																									
Total	13	13	1	14	37	70	1	21	29	12	24	0	5	19	12	56	11	332	338	360						



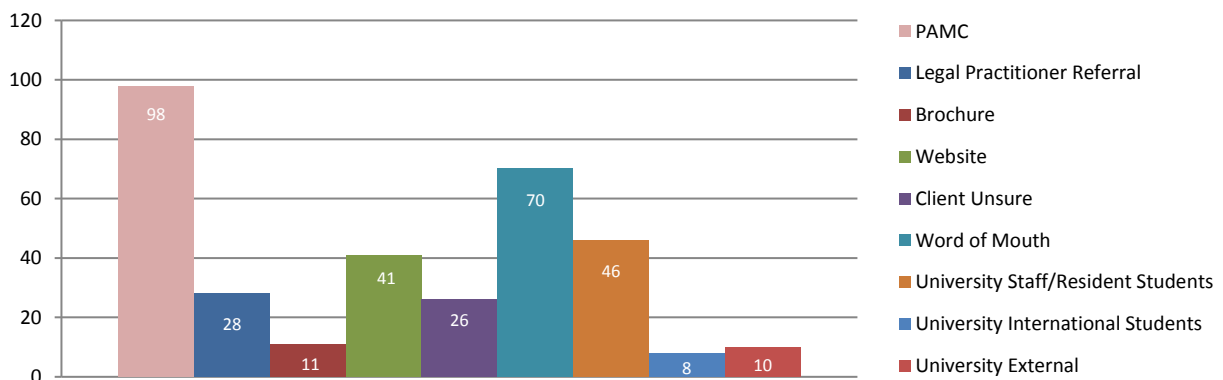
Case Studies of Client Assistance

Clinic highlights include:

- The Clinic assisted a client with accessing her late husband's death benefit from his superannuation fund. The client had not been paid the benefit because the fund wanted further evidence about the husband's cause of death. The Clinic was able to help the client write to the fund and also make a complaint about the fund's decision; the client had previously provided the fund with all of the necessary evidence to be eligible for payment of the benefit. The client was most appreciative of the help that the Clinic provided at a very difficult time.
- The Clinic assisted a client in negotiating her insurance payout after she was involved in a car accident. The insurance company was reluctant to pay for all of the client's losses which arose from the motor vehicle accident. The Clinic helped the client with making a complaint to the Insurance Ombudsman Service. In the end, the insurance company agreed to pay the client the market value of her vehicle plus compensation relating to towing and public transport expenses.
- The Clinic helped an international student draft a letter to the Commissioner of Police seeking the withdrawal of an expiation notice issued for a traffic offence. Whilst the notice was not ultimately withdrawn, the client was pleased to be able to tell their side of the story. The Clinic was also able to provide the client with guidance on making a hardship application so that the expiation fee could be paid by instalments.
- The Clinic assisted a client whose car was involved in a collision. The client's car was parked on the side of the road when another car collided with it. The Clinic assisted the client with drafting a letter requesting that the other party pay the costs to repair the damage. The client mailed the letter to the other party, and within a week, the parties had negotiated a settlement.
- The Clinic assisted a small business owner to recover a debt owed to him for a cleaning job performed in a rental property. The Clinic provided the client with advice about his recovery options and assisted him with drafting a final notice of claim. Ultimately, the client was able to recover the debt from the recalcitrant customer by receiving a portion of the bond monies, which was originally paid for leasing the rental property. The real estate agent managing the rental property forwarded the outstanding monies to the client.

- The Clinic assisted a client charged with driving an unregistered vehicle. The Clinic assisted the client to negotiate with the police, and prepared submissions for a guilty plea. In the end, the police recommended to the court that no conviction be recorded. The client was successful; the court agreed with the recommendation and only imposed a small fine.
- A client attended the Clinic after a year-long battle to obtain payment for repair of her vehicle from a truck driver who had hit the side of her car while she was waiting to turn at an intersection. The client had little understanding of the court process and the evidence she would need to make her claim. She instructed the Clinic to assist her in forming arguments which would put forward her case and respond to the truck driver's claim. Despite significant troubles with the English language and difficulties in dealing with the defendant, the Clinic was able to prepare her well for court with written arguments and sufficient evidence. She obtained judgment in her favour for the full cost of repairing her vehicle together with her court costs.
- A client sought assistance from the Clinic with domestic violence issues and a property dispute after ending an abusive relationship. The client instructed the Clinic that she had sought assistance from the police to apply for an intervention order. However, she said that she was very concerned about what would happen if the intervention order application was contested by her abusive ex-partner. Further, she also told the Clinic that she was worried about the prospect of the ex-partner commencing legal action for the return of property including an engagement ring. The Clinic helped the client by advising on and providing information about the court process when an intervention order is contested. The client was also provided with referrals to domestic violence counsellors. For the property dispute, the Clinic advised the client about her legal position in respect to her possession of the engagement ring and what she should do if the ex-partner commenced legal action.

How Did Clients Hear About The Clinic – January to December 2013



Student Feedback

Student feedback is gained from both focus group meetings which are held yearly, and from individual students who complete a report on completion of their placement outlining the value of the placement in regard to their professional development. Feedback assists in developing the Strategic Plan for the Clinic in the coming years.

Student focus group meetings are attended by students who are placed in the Clinic via GDLP, the LPCSE elective and as volunteers. The meetings give students the opportunity to provide feedback on their placement and to share their ideas and visions for the Clinic.

My workplace supervisor was a fantastic mentor. He understands the challenges law students and to a degree, young lawyers, face when they are beginning to practice. He also provided me with advice and support on career pathways and the steps needed to approach the jobs which I desire. I have been very privileged to work with him and he has been a very important factor in my professional development.

Walid - Student Advisor

One of the main strengths of the Clinic is that student advisors undertake interviews and tasks with enough autonomy to allow them to gain skills and confidence quickly. The supervisor provided support with these tasks wherever we needed them. He did not necessarily give us 'the answers' but sent us in the right direction, so that we could develop skills of judgment and legal thinking to be able to proceed in the appropriate manner independently in the future. His mentoring in this process included

de-briefing after interviews so that we could reflect on difficulties we may have had and how we can best address those in future occurrences.

Myles - Student Advisor

During my time at the Legal Advice Clinic I received support and guidance that was valuable and will provide me with a strong basis in furthering my career. Some of the experiences which have assisted in my development include the ability to interview and communicate with clients with our Managing Solicitor's help. He provided us with feedback, advice and pointers on all steps taken in the Clinic. This enabled me to learn and develop new skills. The mentoring provided to me was effective in allowing me to develop my professional skills, in communication, work management and providing me with the ability to discover solutions alone. It also provided me with a number of skills in client management and communication that I would not have been able to get at other placements. The mentoring provided to me at the Legal Advice Clinic was excellent in allowing me to develop and further my understanding of the legal profession. This will help me in the future and has helped my professional development.

Olivia - Student Advisor

I have no doubt that my time at the Clinic will ease my transition into a law firm. It was great to have my own independence and ability to manage my own clients whilst still having an encouraging mentor.

Carly - Student Advisor

Obtaining practical legal experience at the Clinic and, in particular, Port Adelaide Magistrates Court, has been

instrumental in obtaining a Clerkship at a firm that specializes in criminal law. Without the experience I gained at the Clinic, I would not have been able to obtain this position.

Heidi - Student Advisor

I have learnt about what I would like to do with my legal background and have decided that I would love to be able to work in a position at a legal community centre for legal aid. This means that I would be able to help people (often people who are disadvantaged in one way or another) and do something that I love. Before I started at the Clinic I did not know where or what law I would like to practise so the Clinic has definitely helped me decide where I would like to begin my legal career.

Nicole - Student Advisor

This experience was invaluable to me personally and professionally. When I began my placement I had read of the social issues underpinning a lot of offending, but to see those socially vulnerable people and to try and assist them was really both challenging and rewarding. It has opened my eyes and motivated me to want to help the community. Every day I was faced with a new challenge and I was able to confidently approach it with fellow students because we were in a safe and supported environment.

Lauren - Student Advisor

I have become much more confident in my abilities, and feel prepared to embark on a career as a solicitor. I have realized that I am passionate about access to justice and the provision of free legal services and have developed a direction that I would like my career to head in.

Eleanor - Student Advisor

Client Feedback

The Legal Advice Clinic regularly receives positive feedback from clients who wish to thank the Clinic for the advice and assistance it has provided to them. Client feedback forms are provided to clients who wish to provide feedback in a confidential manner. The following quotes are from clients who provided feedback via the feedback form and from clients who personally emailed the Clinic.

"It is wonderful that it is free. The students were professional but always personable. There was no "beating around the bush", the advice was forthright and clear. The questions were thorough."

"I wish to take this opportunity to thank everybody involved at the Law Clinic for helping to resolve this matter for me at a time when I was, simply, not able to do it for myself. The work that you do to help vulnerable people is greatly appreciated, and I applaud you all for it."

"I would like to take this opportunity to thank your team in assisting me through this stressful time and providing me with relevant feedback and important documents and case studies to feel confident in my defence."

"I'm very impressed with the excellent service the Law Clinic has provided. I thank the whole team."

"The UniSA Legal Advice team have been very helpful and I truly appreciate all the help I have achieved during my consultation time."

"I am writing to say thank you to all involved for the assistance given in relation to my legal matter. I attended court today and received the minimum penalty. I couldn't have asked for more. The Legal Advice Clinic is a great service and I appreciate the time and effort spent."

"I greatly acknowledge the advice of the UniSA Law Clinic and it's A+ service."

"I would like to thank yourself and all the law advisors that worked on my case. The support and advice was invaluable and I wish the very best to everyone's future endeavours."

"Thank you for your free assistance with my enquiry and for providing your legal opinion. I would like to thank the law students for helping with my enquiry. Thank you also for offering further assistance in this matter should I feel I need it."

"I would also like to take the opportunity to thank you for an outstanding service provided by the University and your Clinic."

"I found the students professional and polite and honest in their approach."

Funding

Funding provided by the Law Foundation of South Australia has assisted the Clinic in providing a valuable service to the community and has contributed to the success of the Clinic.

The Foundation's grant has provided the Clinic with IT equipment which has not only been essential in undertaking the day-to-day activities within the Clinic but also in facilitating the Outreach Service at the Port Adelaide Magistrates Court. Specifically, the portable projector and screen have been beneficial in presenting the Community Legal Education seminars at Davoren Park. The funding has also been used to purchase *The Family Law Book*, *Magistrates Court SA* and *Motor Vehicle SA* publications which now form an essential part of the Clinic's library and an invaluable resource. The Foundation also greatly assisted in the publishing of the self-help booklets, '*Pleading Guilty – Know Where You Stand*' and '*Setting Aside Judgment in the Magistrates Court*'.

Activities and Events

2013 Walk for Justice

The Legal Advice Clinic entered a team for JusticeNet SA's Walk for Justice which took place on 14 May 2013. The event raised funds to support the work of JusticeNet SA who help vulnerable and disadvantaged South Australians to access pro bono legal services. JusticeNet SA has reported that the event was a resounding success: 41 teams and over 350 registered walkers raised \$36,995.



2013 Courts Open Day

Matthew Atkinson, Rachel Spencer and student advisors from the Legal Advice Clinic participated in the 2013 Courts Open Day at the District Court of South Australia and set up a booth with banners, brochures and merchandise. Approximately 100 bags of merchandise promoting the Legal Advice Clinic and the School of Law were handed out. Further, contact was made to many members of the public both in relation to the Legal Advice Clinic and also to those hoping to study law at the University of South Australia. The Courts Open Day provides a rare opportunity for the public to see behind the scenes.

2013 Shelter SA Homelessness, Health and Housing Expo



The Legal Advice Clinic participated in the Homelessness, Health and Housing Expo which was held on Thursday, 17 October 2013 at Whitmore Square, Adelaide. The annual Expo is presented by Shelter SA and funded by the Adelaide City Council and Housing SA and brings together over 40 services from across the homelessness, health and housing sectors with the aim of improving health and well-being in some of SA's most marginalised and disadvantaged citizens and assisting them to overcome housing and health problems. The Managing Solicitor and several Clinic students handed out brochures, met various people and worked alongside students from the UniSA Podiatry Clinic, UniSA Physiotherapy Clinic and UniSA Health Sciences.

Acknowledgements

The Legal Advice Clinic greatly acknowledges the support of the following organisations and individuals:

Organisations:

- The Law Foundation of SA Incorporated
- Port Adelaide Magistrates Court
- University of South Australia School of Law

Individuals:

- Matthew Atkinson
(Managing Solicitor, Legal Advice Clinic)
- Maggie Ball
(Resources and Project Officer, School of Law)
- Erin Bowler
(Clerical Officer, School of Law)
- Eleni Ftanos
(Clerical Officer, School of Law)
- Peter MacFarlane
(Dean, School of Law)
- Rachel Spencer
(Director: Professional Programs)
- Leanne Steele
(School Manager, School of Law)
- Julie Watt
(Administration Officer, School of Law)
- Vicki Waye
(Dean: Teaching and Learning, UniSA Business School)