

KINGSFORD LEGAL CENTRE

ANNUAL REPORT 1991

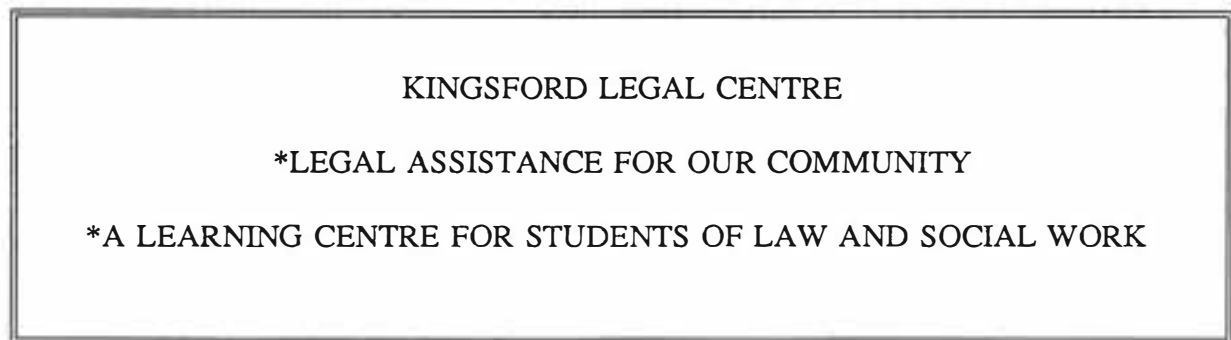
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THE CENTRE'S OBJECTIVES

A Management Review was conducted during 1991, and is discussed later in this report. The staff took part in a lengthy analysis of the following objectives that may be pursued at the Centre:

- *Strategic
- *Work environment and culture
- *Personal
- *Operational

The process resulted in the staff agreeing on a Statement of Purpose for the Centre:



Further discussions led to the formulation of the Centre's main objectives:

Teaching

- : To teach students to learn independently
- : To increase cooperation and contact between social work and law students
- : To foster an appreciation of law as an institution and its place in the social order
- : To convey an appropriate level of staff accessibility to students
- : To allow for greater scope for, and understanding of, individual student responsibility
- : To give attention to individual student needs in relation to their capability, knowledge and skill
- : To explain law in context
- : To foster student appreciation of the role of Kingsford Legal Centre
- : To ensure appropriate student introduction over the first four weeks of session

Community service

- : To encourage more appropriate reciprocal referral between Kingsford Legal Centre and other agencies
- : To obtain regular feedback from community groups as to their level of satisfaction with our services
- : Extend law students' clinical experience through community education

Communication

- : To provide honest, constructive and discreet feedback to each other
- : To promote understanding of tasks, needs, requirements and standards
- : To recognise each other's contribution and strengths

Staff Satisfaction

- : To involve administrative staff in more activities which highlight the meaning and context of the work they perform
- : To achieve greater efficiency in case management
- : To increase involvement in community education
- : To increase involvement in Law Reform committees (This priority was rated somewhat below some of the others for which objectives have been set. It is the opinion of the consultant that this objective be delayed, certainly in the short term, to allow for adequate concentration on other priorities)
- : To handle a variety of casework
- : To provide adequate financial incentive

Funding

- : To take advantage of appropriate funding opportunities from traditional and non-traditional sources

Time management

- : To achieve increased control over individual time
- : To improve planning skills
- : To increase adherence to plans and timeframes as appropriate

THE CENTRE'S STAFF AND MANAGEMENT

Staff

The Centre was fortunate to have stability in staff positions during the year, with only a couple of changes taking place, quite smoothly, towards the end of the year.

Simon Rice continued as the Centre's director, and was also the joint principal solicitor of the practice, with Robyn Sexton. In May 1991 he was awarded a Masters degree in Education from the University of New South Wales.

Robyn Sexton resigned in November 1991, after three years at the Centre. In that time, Robyn served for four months as acting co-director, and for over two years as joint principal solicitor. Her legal practice, particularly in family law, domestic violence, discrimination and Local Court crime, was a highly regarded and invaluable part of the Centre's legal service to the community. At the same time, Robyn supervised students at the Centre with great insight, and with a strong commitment to their professional and personal development. Robyn left the Centre to pursue a number of undertakings, including a position as chair of the Joint Parliamentary Committee on Juvenile Justice.

Paul Batley has been a solicitor at the Centre for two years, and continues to develop an important practice within the Centre, particularly in relation to consumer credit matters and the N.S.W Credit Act. In May 1991 he was appointed to the Privacy Commissioner's Consultative Committee on the Code of Conduct for Credit Reporting.

Zoe Matis, the Centre's administrator, left on maternity leave in October 1991. She and her husband John now have a delightful daughter, Alesa.

Vivienne Green has completed her first year at the Centre, as the Centre's full time legal secretary. Vivienne takes particular responsibility for maintaining the roster of volunteer solicitors who give legal advice to the local community, and for maintaining client advice and file records.

Kym Bedford is the Centre's part-time legal secretary. Kym was instrumental in the organisation of the Centre's tenth anniversary celebrations, and of a national conference on clinical legal education.

Mick Hillman joined the Centre this year as the supervisor for the social work student placement unit operated by the School of Social Work at the University of New South Wales. Although Mick's position is not formally that of the Centre's social worker, he generously gives his time and knowledge to staff and law students.

Greg Heesom has maintained a long standing practice of the Centre engaging law students to work on a casual basis as the Centre's librarian. While continuing his studies, Greg has expanded his role from simply updating and circulating materials to introducing innovative arrangements and systems in the Centre's small but well used library.

Brenda Schleunz is our acting administrator during Zoe's absence on maternity leave. Brenda joined us after having worked in nearby community centre, and has settled well into her new duties.

John Godwin started at the Centre in December 1991 to replace Robyn Sexton. As well as having had extensive volunteer experience at community legal centres, John had previously worked as a research officer at the Aids Council of N.S.W., and as a Local Court duty solicitor with the Legal Aid Commission of N.S.W.

Margaret Jones and *Louise Blazejowska* worked at the Centre at different times during the year as locum solicitor when any of the legal staff was on leave. Margaret and Louise worked very well in the demanding position of locum solicitor, and their assistance was appreciated by the staff and students.

From time to time the Centre is in need of administrative support, most often when administrative staff are on leave or are ill. At such times, the Law School at the University of New South Wales, of which the Centre is a part, is often able to make staff available. Most frequently, Joan West has attended the Centre on short notice, and has been helpful with reception and secretarial duties.



Staff of the Centre in October 1991: Zoe Matis, Simon Rice, Vivienne Green, Paul Batley and Kym Bedford (absent: Robyn Sexton)

Further funding

In the funding submission that the Centre makes each year to the Legal Aid Commission of N.S.W., for funding under the community legal centres funding programme, the Centre this year sought funding for an extra legal position. To meet the considerable demands of the south east region of Sydney, for both legal advice and legal education, an extra legal position would be invaluable. A person filling such a position may also speak Spanish, in recognition of the large South American population in the area. To some extent, an extra legal position would enable the director of the Centre to dedicate more time to the teaching aspects of the Centre.

Due to the unavailability of any extra funds for legal centres generally, the application was unsuccessful. 1992 may see a successful application for an extra legal position, and for a social work position. At the same time, it is possible that an arrangement might be made for a solicitor in private practice to be seconded to the Centre.



Clinical Placement Students Mark Daly and Meredith McLaine

MANAGEMENT

The Centre is managed by the Director, in consultation with the Centre's staff, with the Senior Administrative Officer and the Head of School at the Law School, and with the Law School's Curriculum and Teaching Committee. The Centre's staff meet weekly.

The Kingsford Legal Centre Advisory Committee is a committee of the School of Law. At its meeting on 7 May 1991, the Committee resolved to submit to the Law School that the Committee's constitution be altered so as to give broader representation to the community served by the Centre. The Committee recognised the need for Law School representation, but identified itself as the only formal opportunity the community has to express its views about the nature of the service the Centre delivers.

At the School meeting on 19 June 1991, the School resolved to reconstitute the Committee as follows:

One representative from each of:

- the Law School
- the Centre's staff
- the volunteer lawyers
- Randwick City Council

Four representatives of local community organisations

At the end of the year, three of the community positions are vacant, and approaches are being made so as to fill them as soon as possible.

THE CENTRE'S LAW TEACHING ACTIVITIES

Enrolments

As the Management Review confirmed during 1991, the Centre's principal purpose is its teaching, from which all its other functions follow. The Centre continues to explore the complexities of the clinical teaching method, collecting materials, looking at different and new approaches, altering, tuning and refining the operation of the Centre.

During 1991 the subject LAWS7200 Clinical Legal Experience was offered throughout the calendar year. Summer 1990-1991 saw the resumption of the subject after an unprecedented academic session without students. The subject was offered in Sessions One and Two of the 1991 academic year, and again in summer 1991-1992.

Enrolment in the subject was consistent, with 24 of the 25 available places being taken in the 1990-1 summer session, 21 in Session One, 21 in Session Two and 25 in summer 1991-92.

Teaching

As a result of the staff's constant analysis of the effectiveness of the Centre's teaching role, a number of innovations were introduced during the year. Some were a direct result of the major review of the program conducted in the latter part of 1990.

Behind many of the steps taken in the clinical program is the affirmation of a single major principle: the expectation that in all aspects of acting for a client a student will take as much responsibility for the management of the file as standards of professional legal practice and the interests of the client allow. In short, this is a shift in day to day responsibility away from the solicitors towards the students, and away from directive learning towards self-teaching.

Whenever it is appropriate a file is allocated to at least two students, who then share responsibility for its management. At the same time, students attending the Centre on a particular day consider their own caseloads as a group responsibility, encouraging a greater degree of cooperative work and peer teaching. Every morning, the day's students meet as a group for up to an hour, providing an opportunity for group discussion of file work, and for teaching to an agenda set by the students' needs.

Intensive subject

A major initiative in the Law School's clinical syllabus was endorsed by the Faculty during 1991. In 1992 a second, intensive clinical subject will be introduced, allowing students to attend the Centre for two full days each week and to receive credit towards their degree the equivalent of two subjects. The intended educational consequence is the greater involvement of students in the case work, enabling them to take considerably more responsibility for their clients. The greater continuity of a student's presence will redefine the role of the supervising solicitors, enabling them to focus more on the educational aspects of their positions.

One significant effect of doubling the time students spend at the Centre is the doubling of the number of people at the Centre at any one time. This will create new demands on space and on physical resources such as telephones, photocopiers and stationery. It is also likely to increase the demands on the time of supervising solicitors, making the adherence to systems such as group meetings, collective responsibility and prepared supervision very important.

The summer session 1991-92 has provided a trial run of the increased student presence; the normal seventeen week session was compressed into eleven weeks. Rather than attending one day a week for seventeen weeks, students attended twice a week for six weeks and then reverted to weekly attendance for five weeks. While the primary purpose of this move was to avoid requiring students to commence their clinical experience during the end-of-year exam period, a useful effect was to test the impact, for six weeks, of a dramatic increase in numbers in the office.

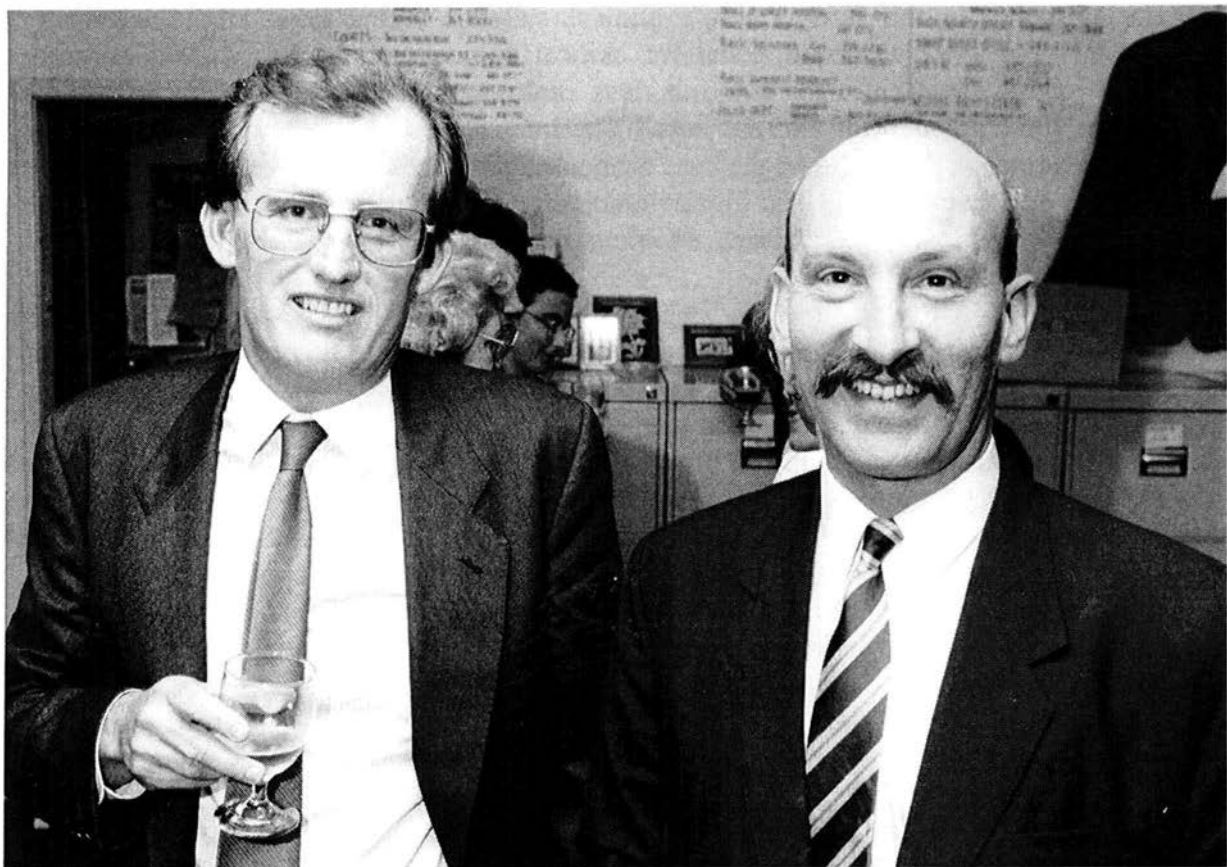
Although the demands on time, space and resources did occur as anticipated, they were not so great as to negate the immediately apparent educational advantages. When attending twice a week, students worked at a high level of responsibility and autonomy, coming to grips quite quickly with the law, the practical implications, and the professional aspects of their file work.

To help the Centre accommodate permanently the increased numbers of students, the Law School dedicated funds for capital improvements which will enable the Centre, during 1992, to expand into a vacant wing of the building.

THE CENTRE'S LEGAL SERVICE TO THE COMMUNITY

Advice sessions

The introduction in late 1990 of a system of appointments for legal advice was a successful initiative, and the system has been maintained. The effect is to prevent people competing for access to advice on a first-come, first-served basis: clients are now guaranteed an appointment time, and the waiting room is a better ordered and less



Volunteer lawyers - Dennis Flaherty and Abe Schwartz

stressful environment. At the same time, it is possible to plan the availability of lawyers, and to match their availability with anticipated client numbers. The system retains the flexibility necessary to accommodate urgent matters.

During 1991 the following lawyers supported the volunteer roster, attending fortnightly to give legal advice:

Mark Anstee
Michael Bracken
Peter Cassimatis
Chris Cominos
Michael Eburn
Denis Flaherty
George Humphrey
Shirli Kirshner
John Longworth
Bill McManus

David McMillan
Sue Mordaunt
David Robertson
Abe Schwartz
Robert Tassell
Mary Turco
Margaret Walsh
Jenni Whelan
Adrian White
Michelle Worner



Present and past social workers at the Centre, Mick Hillman and Monica Denison

A significant contribution to the Centre's capacity for community service has been made by the 8th floor of Garfield Barwick Chambers. The Chambers have taken a place in the roster, and a member of the floor takes that place in turn. This has been one of many initiatives in the area of pro bono public work that community legal centres in Sydney have been involved in recently.

Community's needs

A summary of the Centre's client advice statistics shows that the local community continues to have an extensive need for legal services, particularly in certain areas of law.

No. of individual advices:	1,263
No. of files opened:	272
Percentage advices:	
Family Law:	32.3%
Motor Vehicle:	10.5%
Criminal:	6.4%
Wills	4.8%
Discrimination:	1.9%
Percentage Randwick residents:	66.6%

Particular cases

As has been the case since the first files were opened at the Centre, anti-discrimination cases are a significant part of the legal service. We continue to work closely with the Anti-Discrimination Board, as we are the only source of free expert legal advice for discrimination complainants. The Centre appears for complainants in conciliation proceedings at the Anti-Discrimination Board, and at hearings in the Equal Opportunity Tribunal. Kingsford Legal Centre advised or appeared for complainants in 12 of the 48 matters which were before the Equal Opportunity Tribunal in 1991.

Some cases of interest during the year include the following.

Radio and press coverage was given to the case of a young man who was refused an apprenticeship by the State Rail Authority, on the basis of his hearing impairment. The man had topped the application test for the position, and was actually invited to commence work, before being told that the hearing standard applied by the S.R.A. precluded him.

The hearing took some fifteen days, spread through the year, and involving evidence from sound and hearing experts, and from a young, profoundly deaf motor mechanic. The decision has been reserved. It has considerable implications for the standards which can be required of an impaired person to perform specified duties.

Another case in which a decision of some precedent has been reserved involves a claim against the Electricity Commission of N.S.W. A man was refused a job on the basis of

his high blood pressure; the threshold question for the Equal Opportunity Tribunal is whether high blood pressure is a physical disability for purposes of the Anti-Discrimination Act.

In the Chief Industrial Magistrate's Court, we were successful in setting aside an ex-parte finding against our client. In his absence due to illness, a young man was convicted of offences regarding the licensing of a business. The conviction amounted to denial of procedural fairness, and a re-hearing was ordered.

The Centre has joined forces with Redfern and Campbelltown Legal Centres for a series of cases in the Commercial Tribunal about holiday 'time-share' arrangements. Scores of people will be directly affected, and many hundreds more may be, by the result of the cases. The cases challenge the compliance of the time-share agreements with the Credit Act, and may relieve participants of some their obligations under the agreements.

After waiting in the District Court list for over four years, an unusual assault case was listed for hearing towards the end of the year. A woman claims that while working as a clerk in the public service, she was assaulted by a man who was attending the enquiry counter. The action is a civil action for assault, technically 'a trespass to the person'. The defendant, who is now a solicitor, is denying many aspects of the claim, and the case is likely to take at least two more weeks during 1992.

Campbelltown Legal Centre

In July 1991 Simon Rice began supervising the legal practice at Campbelltown Legal Centre. The need arose because of the difficulties faced by community legal centres in complying with the Law Society's requirements relating to practising certificates. It is difficult for the centres to employ solicitors of sufficient seniority, assessed solely by reference to years of practice.

In the circumstances, Campbelltown Legal Centre needed a solicitor of sufficient seniority to supervise its practice. Simon Rice and Paul Batley each have a long association with the fledgling legal centre, and together provide a source of advice and counsel to the three solicitors at Campbelltown.

Community legal education

The legal service at the Centre has always been casework oriented, driven by the client-based approach to clinical education. At that same time the Centre has been able to respond to the community's calls for legal education. In response to the demand, the Centre's staff gave a number of presentations during the year. These talks included an introduction to the legal system for students at the Daceyville Adult Migration Education Service, and an outline of laws relating to domestic violence for a neighbourhood women's centre.

Redfern Legal Centre Publishing again ran their successful Law for Non-Lawyers course, at which Simon gave the introductory presentation. Simon also spoke at in-service training courses for high school legal studies teachers, and at a legal studies seminar for Higher School Certificate students.

The development of the clinical program during 1992 is likely to include the extension of students' clinical work to education and project work. This should enable the Centre to not merely respond to the demand of which it is aware, but to survey and respond to the legal education needs of its community.

COMMITTEES, RESEARCH AND AUTHORSHIP

Report on Clinical Legal Education at the University of New South Wales

The most significant publication at the Centre during 1991 was the Clinical Review, including the Management Review conducted by an independent consultant. Both are discussed further below.

Preparation of the Clinical Review, for which research and deliberations began in late 1991, involved discussions among staff and with students, volunteers and members of the Law School. Simon Rice drew on extensive research into the academic literature on clinical legal education, and had the benefit of an overseas study tour. The Management Review was conducted with the co-operation and support of the entire staff of the Centre. Most significantly, the project was largely funded by the Law Foundation of N.S.W., following the commitment to clinical education it demonstrated at its Legal Education Colloquium in June 1990.

General articles

The Centre contributed regularly to 'On the Record', the newsletter of the Combined Community Legal Centres' Group, in particular with an article by Simon Rice on the current purpose and direction of legal centres' operations. Simon also contributed an article on clinical education to the journal 'Education Australia'.

Texts

Paul Batley updated the chapter "Applications for Dissolution" in the Lawyers Practice Manual, and Simon Rice again wrote the "Neighbours" chapter in the Law Handbook. Both the Manual and the Handbook are well established and highly regarded publications, committed to making law and legal processes accessible to lay people and solicitors in New South Wales.

Paul is one of the authors of the Debtors' Guide to the Local Court, published in 1991 by Campbelltown Legal Centre with assistance from the Law Foundation of N.S.W.

Conferences

Simon, Paul and Robyn were all able to attend the National Conference of Community Legal Centres in Adelaide. The conference was well organised and informative, providing an essential opportunity for contact and discussion among legal centre workers.

With the assistance of research funds, Simon was able to attend both the Law Council's Legal Education Conference at Bond University, and the Australasian Law Teachers Association Conference at the University of Western Australia. These were excellent

opportunities to discuss and survey teaching methods and attitudes, and contributed to the organisation by the Centre of the National Conference on Clinical Legal Education, referred to below.

Both Robyn and Simon were invited to speak at the Public Interest Conference held at Macquarie University. Robyn presented a paper on domestic violence, and Simon one on community legal centres.

At the Current Affairs Study Centre Conference, Paul presented a paper on the Privacy Amendment Act From the Consumer Perspective. Paul also presented a paper, on students' responsibility in a clinical program, at the National Conference on Clinical Legal Education.

Research project

As a further result of the Law Foundation's Legal Education Colloquium in 1990, a project into clinical legal education was funded by the Commonwealth Department of Employment, Education and Training. The project is based at the Law school of the University of Sydney, and began in June 1990. The project, under the general supervision of the Dean of the Sydney University Law School, has engaged Simon Rice as the principal consultant.

Committees

In their roles as community legal centre workers and clinical supervisors, staff at the Centre were members of numerous committees during 1991, covering a diverse range of interests and activities.

**Legal Aid Commission*

Simon Rice was appointed as a N.S.W. Legal Aid Commissioner in September 1991, having been nominated by the Combined Community Legal Centres' Group to represent community legal services. At the same time, Robyn Sexton was also appointed as a Legal Aid Commissioner, as the representative of consumer organisations.

Simon chaired the Commission's Special Purposes Funding Sub-Committee, and Paul Batley was the Combined Community Legal Centres' Group representative to the Prisoners' Legal Service Advisory Sub-Committee of the Commission.

**Community Legal Centres*

In 1991 Simon was a member of the Combined Community Legal Centres' Group Funding Sub-Committee, and of its Practice Issues Sub-Committee. He was also a member of the management committee of Redfern Legal Centre Publishing.

Paul was a member of the management committees of both Campbelltown Legal Centre and the N.S.W. Community Legal Centres' Secretariat, and of the Combined Community Legal Centres' Group Consumer Credit Sub-Committee.

*Editorial and Publishing

Simon was a member of the editorial committees of both the Lawyers Practice Manual and the Legal Service Bulletin.

*Law reform and policy

Paul was appointed to the Privacy Commissioner's Consultative Committee on the Code of Conduct for Credit Reporting.

Robyn Sexton was a member of the Medical Review Board, and sat on the Medical Tribunal. She was also a member of the Juvenile Justice Advisory Council, the Legal Sub-Committee of the N.S.W. Domestic Violence Committee, the Mental Health Act Review Committee, and the Medical Board Complaints Screening Committee.

Simon was a member of the Law Foundation Education Advisory Committee.

*University of New South Wales

During 1991 both Simon and Paul sat on interview committees for university staff appointments. In addition, Simon was a member of the Dean's Advisory Committee in the Law School, of the Law School's Curriculum and Teaching Committee, and of the Kingsford Legal Centre Advisory Committee.



Volunteer lawyer Dave McMillan, Professor Hal Wootten and former KLC solicitor Louise Blazejowski, all of whom worked together on the Black Deaths in Custody inquiry



Law School staff Aileen Argue and Kerrie Stone, with the Centre's director Simon Rice

THE CLINICAL REVIEW

A review of the operation of the undergraduate law degree elective subject LAWS7210, Clinical Legal Experience, was conducted in the period July-October 1990, and the report was published in June 1991. This extensive project was fully supported by the Law Faculty, and was funded principally by the Law Foundation of N.S.W.

The Clinical Review considered the place of the clinical subject in the Law School curriculum, proceeding on the basis that there is a place for clinical teaching, and inquiring as to where that place is and how it should be occupied. The report went on to analyse the functioning of the centre in light of its dual role as teaching clinic, and to recommend changes to the structure of the subject and the practice of the clinic.

The review process was:

- i. to engage a research assistant to research and survey the relevant literature on clinical legal education,
- ii. to state clearly the staff's concerns about the functioning of the clinical subject,
- iii. to consult with the Curriculum and Teaching Committee of the Faculty,
- iv. to consult with a committee of former students of the clinical subject,
- v. to visit the only other clinical legal education programs in Australia, at Monash and La Trobe Universities,
- vi. to visit clinical legal education programs in the United States, Canada and England,
- vii. to survey a range of students who had completed the clinical subject,
- viii. to review the design of the office as a model clinic,
- ix. to restate the staff's concerns [(ii) above], with recommendations for change,
- x. to submit the recommendations to the Curriculum Review Committee of the Faculty of Law.

In summary, the Clinical Review came to the following conclusions:

Course content

While there may be a place for skills training in the Law School, clinical legal education offers students more than skills training. Clinical education introduces students to the values and dynamics of the legal system, to questions of social justice and power. In the experience, students necessarily develop practice skill including that of self-evaluation.

Site

There is a need for the clinic to be in or proximate to the Law School. If it is not, an office for the clinic in the Law School is necessary.

Enrolment

The clinical subject has particular timetable requirements which are not accommodated in the normal enrolment procedures.

Student enrolment in the subject has implications for clients of the Centre, and questions arise as to the basis on which students are admitted to study in the clinical program.

Type of clinic

The way in which the clinical program runs is important to the Law School for educational, funding and community service considerations.

Expense

Although the operation of a clinic is more expensive than other curriculum subjects, the clinical program at the Centre is largely funded from sources outside the Faculty budget and assists by generating its own funds.

Academic Status

The clinical teaching staff, including the director, are all employed on contract, with no opportunity to pursue the numerous possibilities for academic research that arise in a clinic. There is no formal teaching status in the Law School for two of the clinical teachers.

Integration

Elements of clinical teaching exist throughout the Law School curriculum. There are opportunities for students of other subjects to take part in clinical activities at the Centre, and for exchanges between clinical and other Law School teachers.

Curriculum

There are no necessary prerequisites for the clinical subject. The subject should be undertaken at an earlier stage than in final session of a law degree course, to allow subsequent subjects to be studied in a critical context based on experience.

The legal centre model

Community legal centres are, by extreme example, the ideal source for students of a clinical experience

Characteristic aspects of community legal centres, particularly the diversity and amount and the obligations of casework, compromise the extent to which time can be committed to the education of students at the centre.

Selectivity

Despite the continuing obligations that the Centre owes to its community, the type of casework can be restricted for educational purposes.

Referrals

A diversity of referral sources for cases will provide opportunities for numerous aspects of clinical legal education.

Responsibility

Clinical Legal Experience is essentially student-centred learning, using a high degree of student responsibility in a supervised environment as a device to motivate students.

Supervision

Supervision, essential to the operation of a clinical program, occurs at different times in the students' day, and raises for the supervisor the question of reconciling student responsibility with professional pressures and obligations.

Continuity

The transfer of files from one session of students to the next is problematic, compounded by the lack of either an overlap of students or an introductory course for students.

Advocacy

Representation of clients by students in some matters is possible, and an appropriate means of extending students' responsibility in clinical education. Useful examples, and relevant guidelines, exist in North America.

Project work

There is no need to limit the clinical experience to client-based casework; there is ample opportunity to achieve the aims of clinical education in matters of legal policy, education and reform.

Teaching

Although the weekly classes remain an important forum for teaching legal practice skills, there is growing emphasis on daily small group teaching.

Assessment

The problem of giving the students at the outset the information necessary for constructive participation in the subject can only be overcome by an introductory course.

Students are assessed on a pass/fail basis, judged by reference to a number of particular criteria. The pass/fail method is considered appropriate for the clinical subject.

No written work other than that relating to file work is required of students, and assessments are conveyed to the students by an initial written notice, followed by mid-session and end of session interviews.

The subject is appropriately assessed on a pass/fail basis.

Time Commitment

The educational goals of increasing student responsibility and reducing the need for intrusive supervision would be considerably enhanced by increasing the time spent by students in the clinical program from one to two days a week.

* * * * *

As a result of the Clinical Review, the following recommendations were made. Those that are asterisked* have been or are being implemented, as at the end of 1991:

Casework

- A1.* (i) That the community advice sessions remain a source of casework for the clinical program.
- (ii) That the casework derived from the advice sessions is selected on the basis that the cases:
- (a) best allow for maximum student involvement in and responsibility for the conduct of the files, and
- (b) are likely to raise issues of social justice, professional responsibility and ethics, and/or substantive law.
- A2.* That specific sources of referrals be sought, and procedures established, for the referral of clients from appropriate agencies.

- A3.* That all clients, on attending the Centre, receive an explanatory notice, in a number of languages, regarding the student involvement in the management of client files at the Centre.
- A4.* That project files be introduced to promote productive and relevant activity in areas of research, reform, policy and community education.
- A5.* That approaches be made to appropriate institutions and officers to establish a system of appearance rights for students.
- A6.* That the system of allocating a number of files to students be retained, but that the students be allocated that number of files, and those types of files, that best allow for the considerations in Recommendation A1 (ii) above.
- A7.* That students be encouraged to take joint responsibility among themselves for the conduct and resolution of files.
- A8.* That students be required to complete an incoming summary, a fortnightly report, and a transfer summary in respect of their files.

Teaching, supervision and assessment

- B1.* That the subject matter of the weekly clinical classes relate to skills training and case analysis.
- B2.* That the students on each day meet, for up to one hour from 9 am, in a group meeting for a case discussion or other discussion, chaired by students and/or a clinical teacher, and minuted.
- B3.* That the staff solicitors maintain an open door policy in relation to student supervision.
- B4.* That students' performance in the subject continue to be assessed on a pass/fail basis.
- B5.* That students be given progressive assessments in weeks three and seven, a progress assessment at the clinical teachers' option in week twelve, and a final assessment in the final week of the session.
- B6.* (i) That students be assessed on the basis of a formulated set of assessment criteria.
- (ii) That those assessment criteria be reduced to writing and made available to all students prior to enrolment in the subject.

- B7. That the currently discontinued requirement that the students maintain a diary while at the Centre be reviewed, and be reintroduced if and when there is a recommendation to that effect from the clinical teaching staff.

Enrolment

- C1.* (i) That the preferred stage for enrolment in the subject be the penultimate year of a student's study.
- (ii) That enrolment in the subject is dependent on completion of, or concurrent enrolment in, certain other subjects.
- C2.* That enrolment procedures be varied so that the timetabling of a student's subjects allow for the full day necessary for attendance at the Centre.
- C3. (i) That in the event that final numbers for enrolment in the subject exceed the physical capacity of the Centre, enrolment be by ballot.
- (ii) That further consideration be given to the possibility of interviewing prospective students as a pre-condition of enrolling in the subject.
- C4.* (i) That students be required to attend the Centre for a two full days each week, in addition to a weekly two hour class, five evening advice sessions, and case related attendances at court or conferences.
- (ii) That students therefore receive six (6) credit points for completing the subject.
- C5. That an introductory course be made a pre-requisite for commencement in the subject.

Relationship with the Law School

- D1. That a Clinical Teaching Committee be established in its own right or as a sub-committee of the Curriculum and Teaching Committee.
- D2. That the role of the director of the clinical program encompass assistance to teachers wishing to introduce elements of clinical teaching to their subjects.
- D3. That plans and proposals for the relocation of the Law School, or for construction of a new Law School, consider the incorporation of the clinical subject into the physical structure of the Law School.
- D4.* That the lecturer responsible for the subject have an office in the Law School.

- D5.* (i) That the two employed solicitor/teachers be invited to join the teaching staff of the Law School as Visiting Fellows.
- (ii) That such an invitation to the people employed from time to time in those positions be the practice of the Law School.
- D6. That the availability of current files at the Centre be promoted among Law School academic staff for purposes of providing assessable activities for students in other subjects.
- D7. That consideration be given to the rotation of staff into the clinical program from time to time.



Simon Rice chairs a presentation by Dr Andrew Goldsmith of Monash University at the National Conference on Clinical Legal Education

THE MANAGEMENT REVIEW

The Review was wholly funded by the Law Foundation of New South Wales, and was conducted by Grusin & Associates Pty. Ltd. It is, we believe, the first comprehensive management study of either a community legal centre or a clinical legal education program in Australia.

Quoting from the final Review document: "The Objectives of the office review of Kingsford Legal Centre were to:

- confirm the objectives of the Centre
- recommend an appropriate administrative structure
- recommend appropriate systems
- maintain and improve ability to provide quality student education
- maintain and improve ability to provide professional client service

As part of the review process, all full-time and part-time staff participated in a six hour workshop. The workshop resulted in the definition and documentation of the mission of the Centre and its main objectives. The workshop results are included as Part Three of this report.

The broad objectives set at the workshop, mirror to a large extent the overall objectives of the review. Therefore, the broad objectives have been used as a basis for the discussion in the report. Obstacles to the achievement of the objectives are highlighted. Recommendations are provided for overcoming these obstacles.

In addition, a number of other issues were raised in discussion with staff. These are considered to be important and therefore will also be discussed in the report.

The systems review was completed mid-way through the review, and was therefore issued separately. This allowed for implementation to begin immediately following the resolution of systems issues. The systems report is included as Part Two of this report.

Student education and client service were addressed in terms of their interaction with, and dependence upon, the office administration. The quality of education, manner of delivery, client service standards etc, were not included in the scope of the study".

The Review is in three sections with various parts:

Office Review

- Communication
- Staff Satisfaction
- Culture
- Structure
- Computerisation
- Funding
- Time Management

Image
Social Work Role
Physical Environment

Administrative Systems

Client information sheet
Client cards
Filing of Advice Sheets
Opening and closing files
Conversion from Word to Word Perfect
Identifying and archiving disk files
Client follow up
Allocation of students to files
Advice sessions
Use of diaries
Staff meeting

Planning Document

Objectives of the day
The process
Statement of purpose
Critical analysis
Main objectives

The results of these staff deliberations are outlined in the opening section of this annual report.

Of the 68 recommendations in the Management Review, 48 have been implemented and 13 are in the process of planning or implementation. 7 have been considered by staff and have been rejected as inappropriate or not feasible.

TENTH ANNIVERSARY CELEBRATIONS

Kingsford Legal Centre began its operations as a community legal centre and a clinical teaching establishment in July 1981. On 3 October 1991 we held a reception to mark the Centre's tenth anniversary year. The function coincided with a national conference on clinical legal education organised by the Centre. Consequently, a number of clinical teachers and interested law teachers from inter-state were able to join the many people who gathered for the celebration.



Special guests at the Centre 10th Anniversary celebrations, Justice Gordon Samuels, Chancellor of UNSW, and Professor Neil Rees, the Centre's founding director

We were especially fortunate that His Honour Mr. Justice Samuels, Chancellor of the University, was able to attend as the guest of honour, and that the first director of the Centre, Neil Rees, also attended. The following is the text of His Honour's speech:

"I have a long affinity with the Law School. I mentioned to Hal Wootten tonight that I recall his taking me out to a very good and rather expensive lunch when he was being founding father of the Law School. I was a member of the Committee which had to approve the syllabus. Hal persuaded me that the fact that equity was not going to be taught as a subject was of no significance whatever, and I was to run interference against the then Chief Judge in Equity, Justice Sugarman. As it turned out, Hal was appointed to the Bench and, guess what, to the Equity Division. More than that, I discovered the other day he won a prize in Equity at Sydney University Law School; obviously he was rejecting something in which he has not found the most complete satisfaction, though he did well enough in it I would have thought.

"The Judges of the Supreme Court are not only mainly male and white and anglo-celtic but they have mostly been educated, if that is an appropriate word, at Sydney University. As a result, it fell to me to persuade them, from about 1971 onwards, that there was another Law School in the Sydney metropolitan area which in many respects was plainly superior to the one that had been there before it. These exhortations fell on fairly stony ground, but finally grew and burst into flower as a result of two events.

"The first was the placement scheme in which students from this Law School came and spent a day with a Judge of the Supreme Court. I know this scheme was far from perfect and did not achieve all that it might have done, but as far as the Judges were concerned it was a great success. All Judges are basically pedagogues - many of course have indeed taught law in a part time way - they love captive audiences, and they were absolutely delighted to find that the students from New South Wales did not all have two heads. One of them, however, complained to me that he was rather scandalised to find that a student assigned to him could not remember the date of the Wills Probate and Administration Act. That was a serious defect, of course.

"That was the first thing that made an impact. When that placement scheme was replaced by the Kingsford Legal Centre, we were then treated in the Court of Appeal to a number of delightful pieces of litigation sponsored by Neil Rees from a certain Tribunal. This was new and interesting and stimulating stuff and naturally I went out of my way to point out that all of this came from an operation which was a creature of the University of New South Wales Law School and was one of only two such places in Australia. Generally speaking, this impressed the Judges in question, who asked why didn't Sydney University do the same thing? To which there are a variety of answers but which I will not bore you with.

"For my own part I strongly support clinical legal education of this sort. I will not rehearse all the arguments; I served with Gerry Nash on the Australian Legal Education Council, and we went through them all on more than one occasion. To my mind the cardinal virtue of this enterprise is that it introduces students to some idea of what it is like to practice law. It exposes them to some of the pressures, and though it is not fashionable I know, to the satisfaction and the excitement of being a practising lawyer. Above all it indicates to any impressionable mind that it is facts which win and lose cases rather than law.

"In a paper of which Neil Rees was an author, it is said that in most law courses the facts are always constant - that is perfectly true. Moot problems are conducted on agreed facts, usually of the most bizarre character, in order to ensure that in the space of twenty minutes some wretched student has to refer to at least 38 cases and the succeeding counsel to another 17, most of which they may or may not have read and some of which they but dimly apprehend.

"In real life, as those who have served in real life will know and those who have been students here should know, the facts are in a constant state of dynamic flux. You get one version from your client and you get another from the Crown's principal witness. You return to the client who then modifies the first version, and another version then appears in cross-examination. The Judge finds one lot of facts and the Court of Appeal, though constrained these days by what we call the S.I.D. factor: the Subtle Influence of Demeanour propagated by our former colleague Justice McHugh, usually manages to produce another set of facts. Ultimately there is a final, definitive, olympian finding of facts by the High Court which cannot be displaced. So the facts are very slippery, very protean, and they are the main element in any sort of dispute alternative.

"The thing that lay persons and students do not always understand is that there is not a set of facts: there are two sets of facts, one of which turns out to be less implausible than the other, or more plausible, depending where the onus is. This is the sort of thing this Centre teaches, or at least I hope that it does. It opens up questions of ethics and so forth which should be revealed no doubt in the subject Law Lawyers and Society, but which one may see here actually in a more florid form.

"I think that the Centre has done a great job, and everyone who knows about it in the Court is of that opinion. There are ideological arguments about modes of teaching, but I would have thought that the consensus must be that it is a very positive manifestation of what is I think a very good Law School. So I would like if I may to offer my warm congratulations to all of those who have been involved in it, and to those who have worked here. I congratulate the Centre on its ten years of life and wish it every success for the future."

Neil Rees also spoke, and the following is the text of his speech:

"It really is a delight to be back here after ten years. It seems as if it were about twenty years ago that we started this place; it seems to have been so much part of the furniture of the University of New South Wales.

"The Centre looks remarkably different to how it looked ten years ago. I remember coming here when there was nothing inside but bare lino on the floor. In the early days we had a toy library in there, and we tried very very hard to take over their part of the building. It was pretty hard to be mean to a toy library, so we managed for years to have some sort of co-existence with them.

"In the early days we were fearful that we were not going to have enough clients, and I can remember in the first few weeks walking up and down Rainbow Street looking for likely customers, asking people in the fruit shop if they have any legal problems that they wanted to discuss with people. The students would be sitting around and someone would walk in the door - three or four of them would jump up and in most instances it was the postman coming in for the day.

"I was a bit frightened coming back here, in that I fear that these filing cabinets behind me might contain a couple of old files of mine that are getting greener and greener. I think we all have our "too hard" basket, and from to time I get cryptic little notes from Simon saying "I have closed the file that you opened in 1982", so I hope that he has now closed them all.

"I should pay credit where it is due, and I think the establishment and then the development of this place is very much due firstly to Ronald Sackville, who was extraordinarily energetic as the Dean.

"I can remember having these amazing conversations with Ron which generally did not last any more than about 3 minutes. Ron would say "we are going to set up a clinic by such and such a date; come back and see me in a weeks time and tell me what you have done!" He was an inspiration to work with at that time because no obstacle would stand in the way of his setting up this place.

"When Ron left and Don Harding took over, Don was a very strong supporter of Kingsford. It was his support through those early and difficult years which ensured that this place has remained a vitally important part of the teaching program at the University of New South Wales.

"Chancellor, you opened up some old wounds when you referred to the many cases that went before the Court of Appeal, because not only have I an appalling batting average in the High Court - I am down six love so far in the High Court - but my batting average in the Court of Appeal is pretty appalling as well. Somehow we kept on winning these discrimination cases at first instance, Judge Dick Barber kept on agreeing with our submissions and churning out these wonderful results for us, and the other side would march us up the Court of Appeal and they would keep on knocking us back. If the Court of Appeal did not knock us back then the High Court did.

"I must say I was absolutely delighted to read in the newspapers the other day of the decision in the Waterhouse case. Many of you may know that the earlier case, the Reddrop case, came from Kingsford Legal Centre. Somehow the Court said that they distinguished Reddrop - I am looking forward to reading the decision!

"In closing I should say that the Centre is in wonderful hands at the moment. Thank you very much".

Among other guests at the reception were former deans of the Law School, Professors Don Harding and Hal Wootten, the present Dean, Professor Michael Chesterman and the Head of School, Associate Professor Michael Tilbury, the Mayor of Randwick Mr. Buchanan, the Mayor of Botany Mr. Hoenig, the Director of the Law Foundation Mr. Terence Purcell, former staff and students of the Centre, and staff of the Law School, the Legal Aid Commission, community legal centres and local community agencies.

In keeping with the spirit of the Centre, and with the dedication of the Centre's staff, Zoe Matis and Kym Bedford catered for the reception, preparing an expansive and sophisticated range of light food.

NATIONAL CONFERENCE ON CLINICAL LEGAL EDUCATION

Twice in recent years Springvale Legal Service has organised meetings of people interested or participating in clinical legal education. To mark the Centre's tenth anniversary, and to pick up on the current interest in clinical legal education, we decided to organise a full scale conference, the first of its kind in Australia. There was considerable interest in the conference, resulting in participants from around the country, and in the presentation of a number of excellent papers.



Participants in the 1992 National Conference on Clinical Legal Education hosted by the Centre

The Conference was held for two days in sunny, informal surroundings at the Actors' Equity conference rooms in Redfern in October 1991. The Dean of the Law School, Professor Michael Chesterman, who taught in the clinical program at Warwick University, England, gave the opening address. Papers were presented by-

Dr.Kathryn Cronin of the University of New South Wales: *Examples of Clinical Casework and Simulation in the Law School Curriculum;*

Dr. Andrew Goldsmith of Monash University: *Putting Theory into Practice: Some Reflections on the Relevance of Theory to Clinical Legal Education*;

Mary Anne Noone and Adrian Evans of Springvale Legal Service and La Trobe University respectively: *A Comparative Report on a Overseas Clinical Programs*; and

Roy Reekie of Springvale Legal Service: *Creating Painters: The Art of being a Clinical Teacher*

Discussion groups were led by-

Paul Batley: *Balancing Clients' Interests and Students' Responsibilities*;

Professor Gil Boerhinger: *Teaching Professional Responsibility*;

Graeme Coss: *Models of Clinical Legal Education*;

Roy Reekie: *Justifications for Clinical Teaching*;

Professor Neil Rees: *Curriculum Integration of Clinical Teaching*; and

Maria Tzannes: *Skills Goals of Clinical Teaching*



Maria Tzannes of the College of Law makes a point at the National Conference on Clinical Legal Education

The following attended the Conference:

Paul Batley
Kingsford Legal Centre

Gill Boehringer
Macquarie University

Sue Campbell
Monash University

Neville Carter
College of Law

Allan Chay
Queensland University of Technology

Damien Considine
University of Wollongong

Angus Corbett
University of New South Wales

Graeme Coss
Sydney University

Judith Dickson
Monash/Springvale Legal Service

Adrian Evans
Monash/Springvale Legal Service

Jeff Giddings
La Trobe University

Dick Godfrey-Smith
College of Law

Andrew Goldsmith
Monash University

Anthony Grimes
Monash/Springvale Legal Service

Elliott Johnston QC
The Flinders University of
South Australia

Kay Lauchland
Bond University

Cameron Moore
University of Queensland

Mary Anne Noone
La Trobe University

Roy Reekie
Monash/Springvale Legal Service

Neil Rees
University of Newcastle

Simon Rice
Kingsford Legal Centre

Virginia Ryan
Queensland Association of Independent Legal
Services

Nicola Seaman
Monash/Springvale Legal Service

Mort Stamm
La Trobe University

Michael Stuckey
Monash University

Maria Tzannes
College of Law

Archie Zariski
Murdoch University

MAKING IT IN THE NEWS

From time to time during the year, Kingsford Legal Centre was in the news. As well as newspaper reports on cases and court appearances, the Centre's activities were reported in *Campus*, the national higher education weekly.

Paul was interviewed by A.B.C. Television's *7.30 Report* on the new credit reporting provisions, and was interviewed by A.B.C. regional radio on the same topic.

SOCIAL WORK UNIT

The social work unit at the Centre has been a unique arrangement in Australia, combining social work and legal clinical placements in the one office. The joint operation of the two professions has reached its peak in the placement at the Centre of those students enrolled in the combined social work and law degrees course (BSW LLB).

1991 was the last year of a three year project, funded by a UNSW Development Grant, to run the social work unit. Clearly it will be necessary to maintain the unit if only to supervise the joint degree students, for whom a placement at the Centre is mandatory. Towards the end of the year the School of Social Work resolved to create a new lectureship, specifically for the legal aspects of the social work degree, and to supervise the placements at the Centre. This should ensure the future of the social work unit, a fortunate thing in light of the failure of a further development grant application.

The extent of understanding and co-operation between the legal and social work sides of the Centre has been increasing over the three years. There is a great deal that the two professions can learn from each other, and there are many challenges in the co-operative working arrangements. As the relationship continues, and particularly as the number of joint degree students increases, the concurrent law and social work clinical experiences will provide a rich basis for the study, research and understanding of law in society.

FUNDING

The Centre occupies premises rented from Randwick City Council by the University of New South Wales. Capital items and furnishings are owned by the University, and are recorded on the University's assets register. Similarly, the Centre's accounts are maintained and audited by the University.

The Centre receives its funds from three sources: University funding through the Faculty of Law, community legal funding through the Legal Aid Commission, and self-generated funding through court costs and fees, publications, seminar fees and donations.

In 1990-91 the Legal Aid Commission changed its payments under the community legal centre funding program to a financial year basis. At the same time, the University maintains its funding on a calendar year basis. The following income and expenditure statement reflects the financial/calendar year transition in funding arrangements.

The Centre in the 18 months 1 January 1990 - 30 July 1991 received **income** from the following sources:

Community Legal Centres Funding Program (Legal Aid Commission)	:	\$ 72,878.00
UNSW, Salaries and non-salary items	:	\$332,131.56
Fees earned in legal aid assignments (a formal arrangement commencing in October 1990)	:	\$ <u>15,850.00</u>
		<u>\$420,859.56</u>

In the same period, the Centre's **expenditure** was:

Salaries and associated costs	:	\$ 330,953.05
Operational costs	:	\$ <u>84,056.51</u>
		<u>\$415,009.56</u>

In addition to the recurring income noted above, the Centre receives money by way of professional costs in litigation from time to time. In the period, that amounted to approximately \$15,000.00, most of which was from the Legal Aid Commission for acting in legal aid cases. This source of income will be limited in the future, as the Legal Aid Commission no longer pays professional costs to Community legal centres in ordinary cases.

As is apparent, the Centre has been able to carry forward a surplus of income over expenditure, due to the Centre's own efforts in generating funds from legal aid assignment work. This surplus is, by arrangement with the Law Faculty, to be applied to capital purchases and non-salary items in an annual account.

THE YEAR TO COME

Towards the end of the year, a number of significant initiatives were in the offing for 1992.

As is discussed elsewhere in this report, an intensive clinical placement will be available in 1992. This will have a considerable impact on the Centre, in its teaching, its community service and its physical resources. The Law School has resolved to fund the refurbishment of the Centre to the extent necessary to accommodate the extra space necessary for the intensive subject. We hope that the work will be completed in time for the arrival of students for Session One.

The refurbishment will mean the extension of the Centre into the north-east wing of the building, better known as the toy library. The plans accommodate the continuation of the valuable service that the toy library provides to the community, and also accommodate the regular community meetings that take place in the building. The Centre will be able to make good and consistent use of the space at other times.

Throughout the year, we discussed with the city law firm Freehill Hollingdale and Page the possibility of a permanent seconded position at the Centre. Towards the end of the year this looked likely, with a solicitor to commence a secondment some time towards the middle of 1992. Solicitors will probably attend the Centre in blocks of two months, working in areas of advice and advocacy that the Centre has previously been unable to service.

The social work placement supervisor Mick Hillman, and two of the solicitors, Paul Batley and John Godwin, began work at the end of the year on a proposal to introduce non-casework files to the students' clinical experience. This approach had been mooted in the Clinical Review, and was incorporated into job descriptions in the Management Review. The proposal involves the development of projects in the areas of community legal education, public interest, policy and law reform, and legal writing. This will expand considerably the nature of the service the Centre can provide, and the conceptual scope of clinical legal education.

Simon Rice
Director