

For information relating to Remote Professional Practice/FLAP please click on FAQ's for [Remote Professional Practice/FLAP](#)

Professional Practice (LAW4328) | Family Law Assistance Program (FLAP) (LAW4330) (First/Second/Third/Fourth Clinical Periods)

IMPORTANT: As these units are integrated with public Legal Services which operate continuously, regular attendance is essential, from the taking-over of clients' files at the beginning of the unit to the hand-over at the end. 'Change-over' takes place in the last two weeks of each clinical period and overlap with the first two weeks of the next clinical period. **Reliability and punctuality are essential.**

Overview of the Unit

This unit is an elective which:

- carries 12 points;
- is available in all 4 clinical periods and
- is classified as a Law Research Elective

Students undertake a practical placement at a community legal centre for Professional Practice (LAW4328) or a specialist family law program based at a community legal centre for Family Law Assistance Program (LAW4330). Both programs endeavour to meet the needs of its community. Under the supervision of qualified lawyers, students provide legal advice to clients, undertake ongoing casework, brief Counsel, and in appropriate cases, represent clients in Court. Students acquire a diverse range of practical legal skills essential for legal practice.

In **Professional Practice (LAW4328)** students also develop an appreciation of social justice and access to justice issues and have a heightened awareness of the operation of the justice system, law reform and policy issues. The skills learnt in this unit will be useful for students who wish to practise law, along with students interested in policy, government and social justice career pathways.

In **Family Law Assistance Program (LAW4330)** students attend Court to instruct Counsel in hearings and will also attend the duty lawyer service at the Dandenong Federal Circuit Court each Monday to assist and advise unrepresented litigants. Students acquire a diverse range of practical legal skills useful for students who wish to practice law (especially family law), along with students interested in policy, government and social justice career pathways.

The Clinical Period and Value

The clinical period runs for 14 weeks (including changeover period). Please note that the dates of the clinical period are different to those of normal teaching periods. While University holidays are observed attendance at the clinic is continuous.

The unit is worth 12 points i.e. two units. For details regarding the dates of each clinical period please see: <https://www.monash.edu/law/home/cle-2/law4328-professional-practice-law4330-flap/> under the heading 'Clinical Period Dates'.

Format of the Unit and Workload Requirements

Students should note that these are the minimum workload requirements and there may be occasions when you will be obliged to spend additional time at the clinic.

The student is placed either at the Monash Law Clinics Clayton or at the Springvale Monash Legal Service (LAW4328 only). In the week prior to the commencement of the clinical period, students are required to attend a **compulsory** full day Orientation Session. For the dates of the Orientation Session for each clinical period please see: <https://www.monash.edu/law/home/cle-2/law4328-professional-practice-law4330-flap/> under the heading 'Clinical Period Dates'

The work requirements for this **Professional Practice (LAW4328)** are substantial and consists of a **minimum** of one half- day for client-intake session each week for 14 weeks (including non-teaching period), plus one and a half days per week additional time for client follow-up work and discussion with their supervisor and including attendance at 6 **compulsory** seminars that cover a wide range of topics. Additional activities include a reflective journal, and community engagement projects.

The workload in **FLAP (LAW4330)** is also substantial. It consists of a **minimum** of one half-day for client-intake session each week for 14 weeks (including non-teaching period), in addition, the follow-up work required varies according to particular files and individual students, but on average will require a minimum of 1-2 **additional** days per week. You will also be required to spend every third Monday at the Federal Circuit Court of Australia in Dandenong. Students should expect to spend at least 2-3 days per week at the clinic. Students will also be required to attend 6-8 compulsory seminars and complete a research assignment on a topic that they have encountered during the course of their placement.

Prior to the commencement of the clinical period students are provided with details of the Orientation and Seminar Programs. For further details regarding the workload requirements please see Handbook entries:

[LAW4328 Professional practice](#)

[LAW4330 Family law assistance program: Professional practice](#)

How Do I Apply and What Happens Next?

Apply for either unit or both via the application form under the 'Application and Enrolment' section at: <https://www.monash.edu/law/home/cle-2/law4328-professional-practice-law4330-flap/>

This unit is subject to a quota.

Shortly after the closing date for applications, the Director of the Clinical Units will assess your application and Student Services will advise you:

- whether you have been offered a place for that clinical period or
- whether you have been guaranteed a place in a forthcoming clinical period or
- whether your application has **at this point in time** been rejected.

For details regarding the selection process and the factors that are taken into account please see: <https://www.monash.edu/law/home/cle-2/law4328-professional-practice-law4330-flap/> under the heading 'Selection Process'.

The Director of Clinical Units makes the ultimate decision of whether a student is offered a place in the program.

Once you have been offered a place in the unit, you will be given the opportunity to nominate your preferred Legal Service session time. In choosing your preferred time, note the work requirements and that it is necessary to be able to spend time at the Legal Service after client interviews have finished, to do the necessary follow-up work and to meet with supervisors.

Note: that while we use our best endeavours, it is not always possible to allocate you to a particular Legal Service session which suits you and it may be necessary for you to adjust your other weekly commitments in order to work on the session allocated.

Legal Services

Springvale Monash Legal Service is one of Australia's largest Community Legal Centres. It is open five days and four evenings per week. Four morning sessions, one afternoon session and one evening session are staffed by students. Volunteers assist the Service on a regular basis.

Monash Law Clinics- Clayton is open five days and some evenings per week to serve the University and the surrounding communities. The full range of University services can be accessed to assist clients. Each Legal Service has its own management and its own responsibility to the community. Students are invited to participate in discussion of policy and administration. The legal work of each Legal Service is under the supervision of qualified lawyers.

It is the philosophy of the Legal Services that legal advice should be accessible to the public and that self-help should be encouraged.

Both Legal Services handle a wide range of matters. These include: family, crime, traffic offences, consumer and debt problems, motor vehicle accidents, tenancy and social security issues. Every person seeking assistance is interviewed, and may receive advice only, or their case may be opened for further work handled by the student under supervision of the lawyer. Alternatively, the client may be referred to a local lawyer, legal aid or otherwise. If the matter goes to court, Counsel may be instructed and the student may be given the opportunity to attend the hearing.

While the nature and extent of student workload varies according to a number of factors and the student experience at each Legal Service may appear to be different, the fundamental learning experience available to every student is the same. Every student is exposed to the operation of the law and the legal process in their social context and learns the essential skills of communication, analysis, judgment and the demands of professional ethics.

Advocacy program

The Professional Practice Advocacy program has been developed to provide students with training and experience in Magistrates' Court, Federal Circuit Court and Family Court appearances and tribunal experiences. All students participate in one Advocacy seminar within the Professional Practice seminar program.

A highlight of the program in all clinical periods is the possibility of appearing on behalf of a Legal Service client before the Magistrates' Court, Federal Circuit Court or Family Court. In some circumstances, Judges and Magistrates may agree to give leave to Professional Practice students to appear (under supervision) on behalf of Legal Service clients. This is an opportunity unique to Professional Practice.

Commitment

As the unit is integrated with public Legal Services which are operated continuously, regular attendance is essential, from the taking-over of clients' files at the beginning of the unit to the hand-over at the end. 'Change-over' takes place in the last two weeks of each clinical period and overlaps with the first two weeks of the next clinical period. Attendance at the Legal Services for case work and seminars is compulsory. Reliability and punctuality are essential.

Assessment

Throughout each clinical period, emphasis is placed on the development by each student of:

- understanding of the legal process in its social context;
- analytical and decision-making skills. **There is no formal examination in this Unit.**

Assessment consists of:

Performance of Responsibilities at Clinic (70%)

- Legal research and application of legal research - 20%
- Casework, ethics and professional responsibility - 30%
- Project management and file management skills - 20%
- Community and Engagement - 15%
- Reflective journal - 15%

Half way through the clinical period there is an informal 'mid-clinical period' review when the supervisor discusses strengths and weaknesses with each student.

Please see Handbook entries for further information:

[LAW4328 Professional practice](#)

[LAW4330 Family law assistance program: Professional practice](#)

Detailed assessment criteria, rubrics and grade descriptors may be found in the Unit Guide on the Moodle page for these units.

Prescribed Material

Hyams et al, Practical Legal Skills 4th Edition, (Oxford University Press, 2014)
A large-format diary (to plan client consultations and follow-up work).

Recommended Reading

The Law Handbook, Fitzroy Legal Service

Lawyers Practice Manual (Vic) published by SMLS and Thomson (can be accessed at the legal services in hard copy or through the law library database)

- The FLAP service has some family law resources and students are expected to use these services during their time at FLAP. As well as this material, students should familiarise themselves with the Family Court and Federal Circuit Court websites. The Family Court website is <http://www.familycourt.gov.au/presence/connect/www/home/>
The Federal Circuit Court website is <http://www.federalcircuitcourt.gov.au>

Initial Enquiries: General enquiries phone 1800 MONASH (1800 666 274) International +61 3 9903 4788 via Ask.Monash

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