



LAW5050 Professional Practice (JD) Unit information

Description of Clinic

Monash Law Clinics (MLC) is situated at two locations Clayton (MLCC) and Melbourne CBD. **LAW5050 Professional Practice operates out of Monash Law Clinics – Melbourne (MCLM) situated on level 11, 555 Lonsdale Street, Melbourne (in the same building as Monash University Law Chambers).**

MLC is a community legal centre (CLC) operated by the Monash University's Faculty of Law and is both a CLC and a teaching clinic. As a CLC, Monash Law Clinics exists to serve members of the community. As a teaching clinic, it provides students with practical skills and experiential learning. It is an opportunity for students to gain first - hand experience in dealing with real life legal matters through interviewing real clients and drafting of relevant legal documents. The nature of clinical practice is such that no two days are ever the same. Students learn to expect the unexpected. In this way, they are preparing for lifelong learning, knowing that each day they will learn something new.

The 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 CLC 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> under the heading "Clinical Legal Education Units" then the "Juris Doctor students" drop-down tab.

Format of Unit

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> under the heading "Clinical Legal Education Units" then the "Juris Doctor students" drop-down tab.

Students are required to attend the clinic at least two full days each week from 9 am to 5 pm:

- General Law Stream: Monday and Thursday and
- Family Law Stream: Tuesday and Thursday

On those days:

- Day one (Monday or Tuesday) consists of one half-day of client interview session followed by file review (consultation) with their supervisor and follow-up work.
- Day two (Thursday) consists of attending seminars and trainings either on-site or as advised. During the course of the program students will be required to attend at least 6 two-hour seminars followed by file reviews and follow up work for clients.

From time to time, students may have the opportunity to attend and support clients at court or instruct barristers at court hearings. These events may take place on a different day to your required attendance.

Please note that attendance at both the follow up work sessions and the seminars are **compulsory**.

Changeover Period (compulsory)

In all clinical periods, there will be a two-week changeover with the outgoing JD students.

Group A – General Law Stream

Commencing on the Monday of the first week of changeover the new students will shadow the outgoing students during the client interview session.

During the second week of changeover, the new students will take the lead interviewing clients with the assistance of the outgoing students.

Group B – Family Law Stream

Commencing on the Tuesday of the first week of changeover the new students will shadow the outgoing students during the client interview session.

During the second week of changeover, the new students will take the lead interviewing clients with the assistance of the outgoing students.

Workload

The workload in Professional Practice is substantial. In addition to the formal components of the unit described above, the follow-up work required varies according to particular files and individual students, but on average will require a minimum of 2 additional days per week. It is necessary to spend time at the CLC after client interviews have finished, to do the necessary follow-up work and to meet with the supervisor.

Monash Law Clinics – Melbourne ('MLCM')

MLCM is open from Monday to Friday from 9am to 5pm, with client appointments on Mondays and Tuesday from 9am to 1pm. Other clinics are also co-located at the centre. It is a professional and functioning community legal centre.

Advocacy

A highlight of the program in all clinical periods is the possibility of appearing on behalf of a client at court. Some courts have agreed to give leave to Professional Practice students to appear (under supervision) on behalf of clients in certain categories of cases. This is an opportunity unique to Professional Practice.

Commitment

Regular attendance is essential at the CLC, from the taking-over of clients' files at the beginning of the unit to the handover at the end. The 'change-over' weeks are the final two weeks at the end of each clinical period and overlaps with the first two weeks of the next clinical period. 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.

Students are assessed on:

1. Legal Service work (80%) - Casework at the Legal Service may be broken down into a number of aspects or processes. Casework tasks include negotiating payment of debts, motor vehicle accidents, criminal law matters, draft divorce applications, parenting plans, consent orders

and assisting clients with their court proceedings, briefing barristers and attending court with clients.

2. Reflective Journal (20%) - The journal is written and submitted fortnightly to your supervisor. The purposes of the journal are to enhance your experience at the CLC, develop your reflective practice, to encourage analysis reflection and growth as a student and practitioner.

There is no formal examination.

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

If a student fails the unit, the opportunity to repeat it will depend on the decision of the Convenor of the Legal Practice Programs as to the availability of a place in a subsequent unit.

For further details regarding this unit students are referred to:

<http://www.monash.edu/pubs/handbooks/units/LAW5050.html>

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)