



## Clinical Externship (LAW4803)

### Unit Information

#### Synopsis

Students may enrol in one of seven clinics as follows:

1. **Sexual Assault Clinic** - in conjunction with the South Eastern Centre Against Sexual Assault (SECASA) at Springvale Monash Legal Service (4 places, all clinical periods) - legal services to victims of sexual assault. This clinic is designed for students who have developed an interest during Professional Practice in supporting victims of sexual assault. Students will undertake casework in conjunction with SECASA staff as needed. The clinic is intended for emotionally mature students who see themselves as potential criminal lawyers.

**Assessment:** Casework/Research at Clinic: 80% + Written report: 20%

2. **Human Rights Clinic** - in conjunction with the Castan Centre for Human Rights at Holding Redlich, 555 Bourke St, Melbourne (2 places, Clinical Period 2 and 3 only) - litigation involving human rights in the broadest sense – everything from compensation for workplace injuries and discrimination to assisting asylum seekers and elderly victims of fraud and predatory lending. Students with an interest in human rights are likely to be attracted to this clinic. Immediate casework supervision is provided by the law firm and academic coordination by a member of Castan Centre staff. It is not necessary to have completed *Professional Practice* to obtain a placement in this clinic.

**Assessment:** Casework/Research at Clinic: 80% + Written report: 20%

3. **Family Violence Clinic** – assisting victims of Family Violence (2 places, all clinical periods). This clinic is designed for students who are interested in assisting victims of family violence by attending the court on family violence list days and assisting the duty lawyer and to help clients make victims of crime applications to the Victims of Crime Tribunal. The clinic is based at Springvale Monash Legal Service.

**Assessment:** Casework/Research at Clinic: 80% + Written report: 20%

4. **JobWatch clinic** - Students are based at Jobwatch, in the city - 21 Victoria St, Melbourne (2 places, clinical periods 2 and 3 **only**). Students receive extensive training and support to give advice on the telephone advice line in relation to various employment law issues, and assist with legal education materials.

**Assessment:** Casework/Research at Clinic: 80% + Written report: 20%

5. **VCAT Self Help Centre Clinic** – students are based at VCAT in Melbourne (10 places, semester 2, 2015). This clinic is open to undergraduate and postgraduate students who will be assisting in the Self Help Centre one full day each week in providing client intake support, information of VCAT practice procedures, alternative dispute resolution options and make appropriate referrals.

**Assessment:** Performance of responsibilities during Externship: 30% + Research paper: 70%

**6. Monash/Ashurst Corporate Governance and Responsibility Clinic** - (4 places, semesters 1 and 2) This clinic is open to students who have completed Corporations Law (LAW4171). Students participating in this clinic will work with faculty members, practitioners and corporations to provide advice on corporate governance and social responsibility issues to not-for-profits and/or ASX listed companies.

**Assessment:** Casework/Research at Clinic: 80% + Written report: 20%

**7. Supreme Court clinic** - (2 places, Semesters 1 and 2) Students participating in this clinic will work with judges and other judicial staff members of the Supreme Court of Victoria. This externship program includes the following activities: a) Assisting judges and other judicial staff in Judges' Chambers at the Supreme Court of Victoria with drafting speeches; preparing case summaries; and legal research; b) Assist Judges' Associates in other legal and administrative duties in Chambers and Court

**Assessment:** Performance of responsibilities during Externship: 40% + Oral Presentation 40%+ Research paper 20%,

Students will enrol in a legal clinic hosted by an external organisation. Under supervision by qualified lawyers, judge's associates, Tribunal members and/or Judges, students will undertake a range of activities including: legal research and writing; and research on ethical, professional and strategic considerations in the practice and application of the law. Students will develop the capacity to aid in the development of legal solutions to complex problems by synthesising existing legal knowledge, legal research, and technical and practical information. Depending on the particular clinic selected, students will develop proficiencies in a particular area of law or jurisdiction. In some instances students will also acquire a higher level understanding of social justice and access to justice issues, including for vulnerable and marginalised populations. The skills learnt in this unit will be useful for students who wish to practice law, along with students interested in policy, government and social justice career pathways.

## Objectives

Upon completion of this subject students will be able to:

1. Independently undertake complex legal research and:
  - a. Apply such research to legal facts, critically analysing legal principles, statutes, case law and/or other relevant legal documents;
  - b. Pro-actively develop solutions to complex legal problems;
  - c. Demonstrate a capacity for recognising and appropriately responding to the strategic and ethical implications of different legal approaches; and
  - d. Independently assess the effectiveness of the law in action and /or applicable legal remedies in a specialised area of law or jurisdiction;
  - e. Articulate inadequacies and gaps in legal practice, with a highly developed capacity to identify and articulate opportunities for legal, policy or other systemic reforms.
2. Effectively communicate (both orally and in writing) legal advice, information, options for litigious and non-litigious pathways, arguments and strategies with a wide range of audiences involved in the justice system;
3. Demonstrate practical legal skills including (as appropriate depending on which clinic is undertaken) interviewing, counselling, negotiation, advocacy and drafting;
4. Demonstrate highly developed skills, technical and practical knowledge about their chosen area of law or jurisdiction to an expert level.

## Workload

Minimum total expected workload to achieve the learning outcome for this unit is one 3-hour clinic session per week plus follow up research and casework. In addition to the weekly intake session, students will be required to spend up to 6 hours per week in research, case preparation and consultation with their supervisor. Scheduled activities may include a combination of teacher directed learning, client interviewing and advice sessions, supervision and online engagement.

## Assessment

Depending on your choice of clinic, the assessment for this unit will be comprised of a minimum of two assessment criteria selected from:

Performance of responsibilities at clinic:30-80%

Research paper:20-70%

Oral presentation:20-60%

As the combination of assessments varies by clinic, the weight of each assessment task will also vary. All assessments will total 100%.

## Prerequisites

For students who commenced their LLB (Hons) course in 2015 or later:

[LAW1111](#); [LAW1114](#); [LAW1112](#); [LAW1113](#); [LAW2101](#); [LAW2102](#); [LAW2112](#); [LAW2111](#)

For students who commenced their LLB course prior to 2015:

LAW1100 OR [LAW1101](#) and LAW1102 or [LAW1104](#); LAW2100

OR [LAW2101](#) and [LAW2102](#); LAW2200 OR [LAW2201](#) and [LAW2202](#); LAW3300

or [LAW3301](#) and [LAW3302](#).

For JD students:

The achievement of at least twelve units or 72 credit points towards the Master of Laws (Juris Doctor) to

include: [LAW5000](#), [LAW5001](#), [LAW5002](#), [LAW5003](#), [LAW5004](#), [LAW5005](#), [LAW5006](#), [LAW5007](#) or equivalent.

In addition, students intending to undertake any of the following clinics:

- + Sexual Assault Clinic
- + Family Violence Clinic

must have completed [LAW4328](#) (or LAW5216), [LAW4330](#) (or LAW5218) or [LAW5050](#). In other clinics preference for a placement will be given to students who have completed these units.

## NOTES

- A. Three minimum requirements for passing the unit are:
- (i) attendance at the Clinic;
  - (ii) obtaining a pass mark for casework as well as for the unit as a whole;
  - (iii) completing the Written Report/Research essay

There is no formal examination.

- B. Halfway through the clinical period there is an informal “mid-term” review when supervisors discuss strengths and weaknesses with each student.
- C. If, at the end of the clinical period, further work is required of an unsatisfactory student, it will not usually be possible for the student to carry on at the Clinic. Instead, in addition to any re-writing of the Report which may be required, the student may be set work consisting, for example, of the preparation of a detailed analysis and critique of selected files.
- D. If a student fails the unit, the opportunity to repeat it will depend upon the Convenor’s decision as to the availability of a place in a subsequent clinical period.
- E. This unit is subject to the same grading guidelines (presumptive quotas) as all other units in the Law Faculty.

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