

Family Law Assistance Program (Professional Practice) (LAW4330) (First/Second/Third Clinical period)

Unit Information

This unit is an elective which carries 12 points and is available in all 3 clinical periods.

Synopsis

Students undertake a practical placement in a specialist family law program based at a community legal centre which endeavours to meet the legal needs of its community. Under supervision by qualified solicitors, students provide legal advice to clients, undertake ongoing casework, brief Counsel, and in appropriate cases, represent clients in Court and attend Court to instruct Counsel in hearings. Students also attend the duty lawyer service at the Dandenong Family Court each Monday to assist and advise unrepresented litigants. Students acquire a diverse range of practical legal skills including: the capacity to undertake legal research and apply legal research to factual scenarios; the ability to synthesise professional, technical and ethical knowledge acquired in the law degree and apply it in a practical legal context; skills in critical thinking and legal judgment; the capacity to independently devise legal solutions for complex legal problems; and the capacity to identify and respond to ethical, moral and professional dilemmas in legal practice. Students also develop an appreciation of social 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 practice law (especially family law), along with students interested in policy, government and social justice career pathways.

Objectives

Students who successfully complete this unit will:

1. Independently undertake legal research into complex areas of family law and related legislation, including children's and property issues, child support and spousal maintenance and, using such research:
 - a. Assess and articulate adversarial and non-adversarial options for clients, including the strengths and weaknesses of available legal options;
 - b. Pro-actively develop solutions to complex legal problems; and
 - c. Demonstrate a capacity for recognising and appropriately responding to the strategic and ethical implications of different legal approaches.
2. Effectively communicate (both orally and in writing) legal advice, information, options for litigious and non-litigious pathway, arguments and strategies with a wide range of audiences involved in the justice system;
3. Demonstrate practical legal skills of interviewing, advocacy and drafting; and appropriate use of non-adversarial methods and principles for the resolution of client disputes (mediation, negotiation collaboration, arbitration).
4. Assess their own capabilities and performance as future legal practitioners by having developed skills of self-management, and to independently synthesise this information to aid in the exercise of sound professional and ethical decisions.
5. Independently identify a practical, law reform or policy problem of relevance to the clinic, isolate and critically analyse the legal principles relevant problem, and articulate these issues through an advanced theoretical and technical knowledge of the designated problem.

Assessment

Performance of responsibilities at clinic: 70%

Research paper (1500 words) on a topic to be approved by clinical supervisor: 30%

Note that this unit is subject to the same grading guidelines (presumptive quotas) as all other units in the Law Faculty.

Workload

Minimum total expected workload to achieve the learning outcome for this unit is as follows:

- One full day orientation and family law seminar and regular one-to-one tutorials
- One half-day client interview session per week at FLAP for 17 weeks (including during non-teaching period)
- Participation in seminar program for 6-8 weeks involving 2 hour contact per week
- 14 hours per week for client-group consultations, private research and casework

Scheduled activities may include a combination of teacher directed learning, client interviewing and advice sessions, supervision and online engagement.

Prerequisites

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

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

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](#)

Further, one of the following is required:

+ participation in a prior placement at FLAP as a part of a Monash family law unit, or

+ a minimum of 12 weeks volunteering on a one day a week basis at FLAP, or

+ completion of Professional Practice LAW5216 or [LAW4328](#).

Places are subject to a quota. In granting places, preference is given to students in the final semester/trimester/clinical period of their degree. The number of places available to students not in their final year varies in each clinical period according to demand.

Legal Service

MOLS 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.

The 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 the Legal Service is under the supervision of professionally qualified lawyers.

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

The Legal Service handles a wide range of family law problems. Every person seeking assistance is treated carefully, and may be satisfied with advice only. If not, the Service then recommends to the client whether the matter should be handled by the student under supervision of the relevant member of staff or whether the matter should be referred to another practitioner, under legal aid or otherwise. If the matter goes to court, counsel may be instructed and the student is given the opportunity to attend the hearing and in some cases appear for the client under supervision.

Tutorials

In small groups, students meet in the first 3-4 weeks of the clinical period to discuss issues of principle and practical problems arising at FLAP.

Seminars

Once a week, all students attend a session designed to provide a wider legal and/or social perspective and experience in skills such as interviewing, negotiation and advocacy. Professional ethics, their relevance to the practice of law and the consequences of breaches of codes of conduct are examined. Student participation, critical discussion and analysis are central. Students at FLAP will attend general sessions along with other professional practice students but also attend a number of sessions specifically dealing with family law matters.

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' weeks are the two additional weeks at the end of each clinical period and overlap with the first two weeks of the next clinical period. Reliability and punctuality are essential.

Prescribed Material

- Hyams *et al*, *Practical Legal Skills* 4th Edition, (Oxford University Press, 2014)
- The FLAP service has a full range of CCH loose leaf services and Family Law Reports. Students are expected to use these services during their time at FLAP.
- A diary.

Recommended Reading

- *Lawyers Practice Manual* (Vic) published by SMLS and Thomson is also part of the FLAP library
- 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: Jayne Champion – Law Student Services

Ph: 9905 3356 or via Ask.Monash

Fay Gertner

Convenor, Legal Practice Programs

Tel: 9905 4336

email: fay.gertner@monash.edu