



Application to for a place in Family Law Assistance Program (Professional Practice) LAW4330

Clinical Period dates:		Closing dates for applications:
Clinical Period 3, 2016:	7 July 2016 to 18 November 2016	27 May 2016

* dates are inclusive of a one day Introductory Program, Professional Practice Orientation and two changeover weeks.

NB RESULTS for Clinical Period 3 will be in early January 2017

Personal Details

Student ID number

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Surname

Given Names

Telephone No.

Postal Address

Monash Email Address

Date of Birth

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Details of Current Enrolment

Course Title

Course Code

Course Start Date

Expected Completion Date

Have you completed the following pre-requisite units?

	Yes	No
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Participation in a prior placement at FLAP as a part of a Monash family law unit		
LAW5216 Professional practice		
A minimum of 12 weeks volunteering on a one day a week basis at FLAP		
What units do you expect to be undertaking in conjunction with FLAP(PP) (please write name of unit)?		

Unit Details

Why is this your preferred clinical period for studying this unit?

Have you completed Professional Practice or a placement in a family law unit?
(State year and semester/trimester/clinical period)

What was your final mark?

What is your reason for wanting to do this unit?

Will you be studying full or part-time? Full Time: _ Part Time: _

What are your outside working commitments?

How many hours per week do you work? _____

How flexible are your work commitments? _____

Have you worked or do you currently work in a community/voluntary legal service? If so, where and when? For how long?

What sort of work do you do at the CLC?

Do you have any other relevant experience? If so, what?

What barriers do you think clients of CLCs face accessing the law?

What language/s (if any) other than English do you speak?

Have you read the unit information sheet attached to this Application?

Where did you find out about the Clinical Legal Education units?

PRIVACY

The information on this form is collected for the primary purpose of applying for enrolment in a Clinical Legal Education unit, which includes deciding whether your application will be granted and sending you related correspondence. If you choose not to complete all the questions on this form, it may not be possible for the Faculty to process your application. If you wish to access or inquire about the handling of your personal information contact the University Privacy Officer: privacyofficer@adm.monash.edu.au .

Applicant's Declaration

I declare that the information provided on this form and the information given to support my application is correct and complete. I acknowledge that the Faculty of Law reserves the right to vary or reverse any admission decision on the basis of **incorrect or incomplete** information.

In the event that my application is successful, I consent to my name being published on the student noticeboard in the Law Faculty basement and on the Monash law website on a list of successful applicants.

I acknowledge that confirmation from the Convenor that I have been given a place in the unit does not constitute enrolment and that I must do this by submitting an Enrolment Amendment Form.

Signature _____ Date _____

Please lodge your application at the Law Student Services office on Level 1 of the Law building and keep a copy of the completed form for yourself

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.

UNIT SUMMARY

In common with the other clinical units in the Monash law curriculum, this unit is designed to provide cutting-edge experience to later-year law students in such a way as to consolidate and enhance their acquisition of legal theory and substantive law.

It will be offered to students who have completed a family law unit and placement and who wish to broaden their knowledge and develop their practical skills in family law.

The unit will run in a 16-19 week clinical period format and will require students to run their own family law files and to accept operational responsibility for all aspects of those matters. Under the supervision of a family law practitioner, these responsibilities will include drawing and engrossing documents, advising clients on issues arising from their files, briefing counsel, attending court to instruct counsel and general correspondence. Students will attend the FLAP client contact sessions on roster, work on their ongoing files and take on new matters as they are initiated.

The FLAP program has developed a high profile in the legal community in the South Eastern suburbs of Melbourne and already provides a duty lawyer service at the Family Court at Dandenong each Monday. This service operates on what is usually the busiest day of the week, attending to matters called on a first mention date and facilitating the making of initial interim orders. Students in the unit will be required to attend this outreach service regularly. Under supervision, they will typically provide advice to clients, draw urgent applications and other documents, negotiate on behalf of clients with lawyers representing other parties and appear in minor matters.

Students will also take on a mentoring role to less experienced students enrolled in a family law unit who have elected to undertake a placement in FLAP. Assessment will consist of supervisor appraisal of a range of legal practice skills and an assignment dealing with their experiences, or in relation to an area of family law that interests them and is also approved by the FLAP supervisor.

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.

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.

Components

Students will attend Monash Oakleigh Legal Service (MOLS) with which the Faculty of Law is associated and participate in a half-day client-intake session each week, plus additional time for follow-up work and discussion with their supervisor. FLAP attends the Family/Federal Circuit Court at Dandenong each Monday and students studying this unit are required to attend alternate Mondays. In addition a two-hour seminar is conducted each week and 3 two-hour tutorials are given in the first 3-4 weeks of the clinical period. Additional activities include either an assignment, student appearances or a reflective journal and law reform and education projects.

Period and value

The unit is offered on a clinical period basis, that is, three times a year for 19 weeks. Please note that **clinical period** start and finish dates are different to those of normal **semesters**. Also, while University holidays and lecture breaks are observed in relation to seminars and tutorials, attendance at the Legal Service client-intake sessions is continuous except for public holidays. The unit carries 12 points value in each clinical period.

Introductory Program

In the week prior to the first week of clinical period a one day orientation is run at the Faculty and the legal service. These dates are included in the application form under Clinical Period dates. Attendance is compulsory.

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.

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.

Assessment (see attached page)

Casework performance including attendance and punctuality, taking instructions and relationship with clients, discussion with supervisor, follow-up work, drafting documents, family law advocacy skill, compliance with office and regulatory procedures, understanding of appropriate file initiatives - 70%

1 individual research activity or assignment - 30%

The assignment is to be 1500 words. In place of the assignment, students can develop and present a comparable research activity after first discussing and agreeing on a topic with their supervisor.

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

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 Jayne.champion@monash.edu

Fay Gertner
Convenor, Legal Practice Programs

Tel: 9905 4336
email: fay.gertner@monash.edu

Family Law Assistance Program (Professional Practice) (LAW4330)

Assessment

a) Casework performance including attendance and punctuality, taking instructions and relationship with clients, discussion with supervisor, follow-up work, drafting documents, family law advocacy skill, compliance with office and regulatory procedures, understanding of appropriate file initiatives and attendance at court .

70%

b) Individual research activity or assignment

The assignment is to be 1500 words. In place of the assignment, students can develop and present a research activity after firstly discussing a topic with the supervisor

30%

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