



MONASH
University

MONASH LAW CLINICS
ANNUAL REPORT
2019 – 2020

MONASH
LAW
CLINICS



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Acknowledgements

Monash Law Clinics wishes to acknowledge the ongoing support provided by the Law Faculty and its staff.

We wish to thank:

FACULTY OF LAW

Professor Bryan Horrigan	Dean, Law Faculty
Ms Fiona Bygraves	General Manager, Law Faculty
Mr Gerard Toohey	General Manager, Law Faculty (July – October 2019)
Maria Cantillon	Group Finance Manager
Ms Veronica Ryan	Finance Coordinator
Ms Irene Triantafyllides	Senior HR Business Partner
Dr Adiva Sifris	Co-Convenor Legal Practice Programs

A SPECIAL THANK YOU TO

Mrs Fiona Geminder	The Pratt Foundation
Philip Teo	Barrister, consultation and assistance in criminal law matters for Monash Law Clinics (Melbourne)
James Moore	Barrister, pro bono assistance

We thank all our volunteers for their help and support.

About Us

Our Vision

- To redress the imbalance in access to justice

Our Values

- Providing a safe, reliable and accessible legal service to all and displaying an appreciation of the diversity of the community

Our Mission

- To provide legal services to the socio-economically disadvantaged members of the community

Our Objectives

- To reduce the unmet need of the community through the provision of legal services;
- To provide practical legal training and supervised experiences for law students;
- To provide a range of volunteering and training opportunities to current and past students;
- To provide legal information and education to the community.

President's Report

I am pleased to have the opportunity to write my last Annual Report as President of the Monash Law Clinics Board as I am retiring as Professor of Practice and President of the Board at the end of 2020.

My pending retirement has caused me to think back over my 56-year involvement with Monash University and particularly the Faculty of Law's clinical program.

I was one of the Faculty's first 150 students in 1964 which was its inaugural year. I well remember the first lecture by the Dean, Professor (later Sir) David Derham in March of that year. The emphasis which he placed on the role of clinical education led me to participate in mooting in those early years which in turn led me to practice first as a solicitor, then as a barrister and ultimately as a Justice of the Family Court of Australia. It was also one of the drivers in my decision to return to the Faculty following my retirement from the Court.

The Springvale Legal Service was established by Monash law students in 1975. The Monash Legal Service was established in 1978 when it first offered the unit of Professional Practice. Associate Professor Guy Powles and Professor Sue Campbell were fundamental to that establishment and its ongoing development. The Monash Oakleigh Legal Service (MOLS) commenced operation in 1983. From those humble beginnings many eminent and committed people have given much to assisting people in needy circumstances who were otherwise unable to afford legal advice and representation as well as giving law students vital practical experience in the working of the law. Amongst others, Emeritus Professor Adrian Evans OAM, Associate Professor Ross Hyams, Ms Fay Gertner and Mr Malcolm Bennett were leaders of the development of the service. The Family Law Assistance Program (FLAP) was one of the first specialised clinics which actually gave students the opportunity to appear in simple family law matters under the supervision of highly skilled practitioners. Some of them appeared before me at the Dandenong Registry of the Family Court.

Subsequent developments have taken legal services offered by Monash to ever higher levels. MOLS was the subject of a review which I was privileged to chair and which was quite challenging. That resulted in a restructure, over the first part of which I presided as acting Director. Professor Jeff Giddings, now Associate Dean of Experiential Education, and later Associate Professor Rachel Spencer succeeded to that role.

The administrative requirements of the organisation were also significantly upgraded. Mr Tom Angelidis was appointed as Operations Manager and is supported by a dedicated professional team. At the same time, the University embarked on a building program which resulted in a major expansion of the physical amenities of the Clayton offices which greatly benefited students, staff and clients.

The structure of MOLS went through some significant upgrades. Its name was changed to Monash Law Clinics (MLC) in anticipation of the expansion which was taking place. A new clinic was opened at Monash University Law Chambers in the Melbourne CBD which enabled greater involvement in clinical education by students in the Faculty's Juris Doctor (JD) program. That clinic has very recently celebrated a most successful 2 years of operation.

MLC's development which I have described above has enabled expansion into many specialist areas of the law. At various stages of development, projects include anti-death penalty, Australian Law Reform Commission, climate justice, Tradelab, modern slavery, innovation and start-up, human rights and national justice.

The Faculty has supported, and continues to support, MLC from its highest level. The Dean of the Faculty, Professor Bryan Horrigan, has given students a "clinical guarantee". That guarantees every student the opportunity to learn in a clinical setting at some time during their course which benefits every student in their forthcoming professional life, whether as a practising lawyer or in another field of endeavour.



Professor the Honourable Nahum Mushin AM, President July, 2020

Our students have grasped the opportunities offered by clinical education with enthusiasm, commitment and ability at both undergraduate and JD levels. The fact that they involve themselves in helping people in need as well as learning in areas of social and ethical importance is quite inspiring. They demonstrate attitudes towards their work which give optimism for the future of access to justice and the rule of law.

The students would not be able to achieve so much without the expertise and dedication of the Clinics' staff, both academic and professional. They are fundamental to the success of the clinical program. Their innovative approaches to teaching and mentoring are a large part of the success of the clinical program.

Community legal centres, of which MLC is one, are constantly searching for funding. Most of that funding is provided by the Monash Faculty of Law and Federal and State Governments and Victoria Legal Aid provide major financial support. Very recently, the Victorian Government provided further substantial funding to assist in servicing the needs generated by the COVID19 virus.

The finances of all CLCs are very restrictive of ongoing operation and development. It is not possible to conduct our activities using only paid staff. As with all such organisations, MLC is dependent on the good will and enthusiasm of two groups of people. The first of those is our volunteers. Skilled lawyers with practical experience, they work in the clinics in support of staff and students, often in the evening after spending a full day at their practice and always pro bono. They display the best features of the legal profession.

The second group is the philanthropy sector. Donations to our operations are vital in enabling MLC to thrive. We acknowledge them with gratitude.

It will be evident that since that first day in March 1964, clinical education provided by the Monash Faculty of Law has developed as a result of the dedication of vast numbers of highly committed people. I know that it will continue to provide students, clients and the wider community with ongoing service in the future.

Associate Dean (Experiential Education)

This is a very different contribution to what I expected to be making to this Monash Law Clinics (MLC) Annual Report. COVID19 has ‘rocked our world’, creating challenges for us all. New risks that have prompted unprecedented change and upheaval, providing clinics with new sets of challenges and choices.

For the Monash Clinical Program, COVID19 resulted in the cancellation of enrolments for Clinical Period 2, 2020. The COVID19 pandemic has intensified concerns around ensuring the safety of everyone involved in law clinic work – our clients, our students, our clinic staff. I want to thank all involved at MLC for their efforts to continue to deliver legal services in the midst of the pandemic.

The Monash Clinical Legal Education Program has grown significantly in the past 4 years. In 2017, the program provided 206 clinic places, including 87 at what was then called Monash Oakleigh Legal Service and 81 at Springvale-Monash Legal Service (SMLS). Around a third of Monash Law students had the opportunity to participate in a clinical learning experience. In 2020, we’ve increased our capacity and provide places to more than two thirds of the combined LLB and JD cohort. In spite of COVID19, we will offer close to 500 student places in 2020.

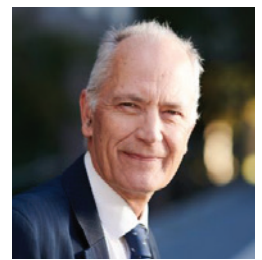
In 2018, Monash Law introduced its Clinical Guarantee, offering every commencing student the opportunity to participate in a clinic-based learning experience prior to graduation. MLC is playing a pivotal role in providing students with great opportunities for ‘learning by doing and reflecting’ in the service of members of local, regional and international communities. MLC is now the lynchpin for legal and policy work across a broadening range of legal areas. Beyond the flagship Professional Practice units offered at MLC – Clayton and Melbourne (and at SMLS), we have also strengthened partnerships with a range of organisations and developed new ones. MLC now hosts the following series of In-House Clinical Placements:

- Anti-Death Penalty Clinic (with the Capital Punishment Justice Project);
- Law Reform Clinic (with the Australian Law Reform Commission);
- Climate Justice Clinic (with support from Russell Kennedy, Lawyers);
- Human Rights Clinic (with the Castan Centre for Human Rights Law);
- National Justice Project Clinic (with the National Justice Project);
- Modern Slavery Clinic (with K&L Gates)
- International Economic Law Clinic (with TradeLab);
- Start-Up & Innovation Clinic (with the Monash Generator and the Eastern Innovation Business Centre).

I offer special thanks to each of these partners organisations and most particularly to the people who make these collaborations work. They contribute expertise and enthusiasm that is of direct benefit to our students and to the many beneficiaries of their work.

Collaborative arrangements that see those involved make distinctive contributions are crucial to the continuing development of MLC and the Monash Clinical Program. All those involved deserve special thanks for their contributions. The program could not serve its various communities without the dedicated MLC staff, led by Associate Professor Rachel Spencer and Tom Angelidis, and the outstanding students who participate in the program.

Thanks also to Victoria Legal Aid for its efforts in administering Community Legal Service funds for the Commonwealth and Victorian governments. The Victorian Government has provided additional funding as part of its response to COVID19. This will enable MLC to expand its services, offering increased advocacy services to clients in family law and criminal law matters. MLC also benefits from the generous support of philanthropic groups, most particularly the Pratt Foundation, Cybec Foundation, Dr Ernest Chow and Ms Gwen Hinze. This support enables MLC to provide clients with a broader and deeper range of services and is greatly appreciated by the Law Faculty. I also offer thanks to Russell Kennedy Lawyers for their support of MLC’s Climate Justice Clinic through the secondment of Malvina Hagedorn and Astrid Di Carlo to be part of the clinic’s supervision team.



*Professor Jeff Giddings
Associate Dean
(Experiential Education)
Monash Faculty of Law*

The Monash Law Faculty makes the greatest financial contribution to the operation of MLC, employing many of the people working in the program. The sustained commitment of the Faculty and the University over 4 decades has built a program that all involved can be proud of. MLC brings together support from government, philanthropists, the legal profession and the University to serve the twin objectives of community service and student learning.

A broad range of Monash Law colleagues contribute to MLC and the Monash Clinical Program. In particular, I offer thanks to the Monash Law Dean, Professor Bryan Horrigan, and Faculty Manager, Fiona Bygraves for their continuing support for our work. I also acknowledge the Clinical Core Team – Melissa Fletcher, Associate Professor Ross Hyams, Associate Professor Adiva Sifris, Associate Professor Rachel Spencer and Dr Jackie Weinberg. They all play important roles in enhancing our program, making our arrangements more coherent and consistent while also expanding our offerings.

Beyond the Core Team, I also salute the following MLC student supervisors: Monash Law Academics – Jennifer Lindstrom, Sylvia Maramis, Fay Gertner, Sara Kowal, Dr Caroline Henckels, Professor Jean Allain, Emeritus Professor Adrian Evans, Dr Ronli Sifris; Sessional supervisors – Dr Ann Wollner, Irene Apap, Hubert Algie, Karin Frode, Steven Castan, Gemma Cafarella, Dr Gina Becker, Sally Andersen, Jennifer Paneth, Fotini Kypraios, Ariane Wilkinson.

I offer special thanks and best wishes to the Honourable Professor Nahum Mushin, AM for his service as President of the MLC Board of Directors. MLC has achieved so much in the past four years and I am grateful to have had the chance to work closely with Nahum during that period. This year also marks the departure from Monash Law of Dr Renata Alexander, a longstanding clinical supervisor at MLC, most particularly in the Family Law Assistance Program where she was an inspirational supervisor and generously shared her expertise in legal responses to domestic violence.

Our teaching programs have been strengthened by requiring all clinic students to participate in a comprehensive induction program. We have also aligned the clinical teaching periods for the LLB and JD student cohorts and enhanced the assessment frameworks used.

Clinical legal education is now more effectively integrated within the service, teaching and research agendas of the Monash Law Faculty than at any time in the history of the Clinical Program. This should enable MLC and the Monash Clinical Program to respond as effectively as possible in the post-pandemic environment.



Ariane Wilkinson (Senior Lawyer, Environmental Justice Australia) and Malvina Hagedorn (Senior Associate, Russell Kennedy) piloting the Climate Justice Clinic.

Director's Report

In the second half of 2019, Monash Law Clinics were not only providing our regular ongoing service to clients, but we were also developing new ideas for the expansion of the clinical program into new and diverse areas.

A very successful pilot of a Start Up and Innovation Clinic operated between July and October 2019, assisting clients involved in start-up businesses, in areas of law such as confidentiality agreements, corporate structures, statutory interpretation, intellectual property law, contract law, liability and indemnity issues, directors' duties and the review of documents. This Clinic was a partnership with multiple stakeholders and extended our community outreach to people attempting to set up a new business with limited means. New businesses were able to obtain advice to ensure that they operate lawfully, very much in the public interest. The Start-Up and Innovation Clinic continues in 2020 to provide advice that assists entrepreneurs to succeed and provide economic stimulus to the community, as well as develop new products and services that are of community benefit. The Start-Up and Innovation Clinic also offers an unparalleled work integrated learning opportunity for enterprising law students. The development of the Start-Up and Innovation Clinic was just one of several ideas in a full agenda for 2020.

The bushfires that raged across Victoria through the summer of 2019/2020 not only devastated lives, leaving hundreds of people needing legal assistance, but they literally blazed a pathway towards an even bigger furnace of destruction. No-one could have predicted that after the ashes of the bushfires had cooled, another force would sweep through not only Victoria, but the whole country and indeed the entire world. The Monash Law Clinics agenda for 2020 had to be re-written.

In March 2020, with the first indications that COVID-19 might become more widespread, our focus had to shift rapidly from the generation and realisation of new ideas, to emergency solutions. The global Coronavirus pandemic required us to adapt our operations to a remote model of service delivery. And we had to do it quickly.

The pandemic changed everyone's daily routines, but the clients of Monash Law Clinics continue to need our help. Like many other service providers across the globe, we had to devise new ways of working that were safe for staff, students and clients. As autumn stretched into winter, our lawyers worked from home, providing a telephone advice service to a wide range of clients whose already complex problems were augmented by the lockdown which became our 'new normal'.

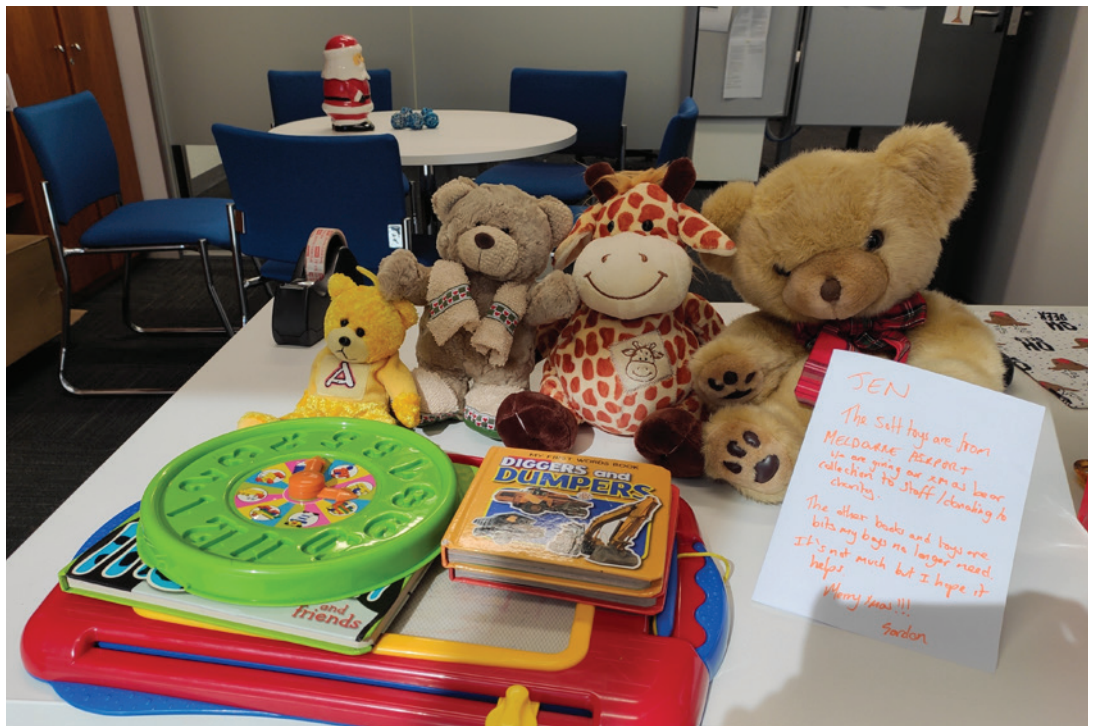
After many decades of our student/supervisor model of legal service provision Monash Law Clinics has re-created itself and its operations. Forced to cancel our student enrolments in the March-June clinical period, we welcomed students back in late June – through our screens. I am writing this report halfway through a clinical period that has run off-site. Students and supervisors have shared a parallel learning journey through new platforms like Zoom and Microsoft Teams. We have developed a suite of new policies and procedures to meet the very particular demands of a remote legal service and a remote teaching environment.

We are grateful to our clients for their forbearance in the sometimes unpredictable circumstances that arise when using unfamiliar technology. All of the staff and students are to be commended for their dedication and their resilience in the face of daily challenges like internet unreliability and 'zoom fatigue'. Staff have worked steadfastly to keep the service going in a way that is safe for everybody, while simultaneously managing personal challenges. COVID-19 has not only changed us as a service but it has also changed the life of every person involved in providing that service. The commitment to access to justice on the part of every staff member is evident in the way that everyone has just kept going. Despite wobbly internet connections, reliance on home printers and working in isolation, staff and students at Monash Law Clinics have 'walked the talk' of the core values of clinical legal education: lifelong learning, reflective practice and providing access to justice, especially for disadvantaged members of society whose current circumstances are, in many instances, even more difficult and complex than before.



*Rachel Spencer
Director Monash Law
Clinics*

We conduct our interviews by telephone now. Students work on client matters, supervised by supervising lawyers as in the past, but everyone is working from home. The new model has necessitated a paperless office with electronic filing cabinets that we can access remotely in accordance with strict confidentiality safeguards. Many of the processes that we have developed for the remote service will likely remain in place once we are back on site. Difficult circumstances demand innovation and flexibility in order to develop solutions. I am proud to work with a team that, although currently physically fragmented, is working together to face and overcome extraordinary challenges.



Toys donated to the Clinic for use in the foyer by student Gordon Barnes.

Operations Manager

To categorise 2019/20 as a challenging year is an understatement. What began as another year of high expectations and high enthusiasm quickly turned into a year of some uncertainty, unpredictability and uncommonness.

During the first half of the 19/20 financial year, Monash Law Clinics had already met many of its strategic goals. Short term targets were regularly exceeded and output activity was strong. Students placed at the clinic were slowly learning the demands of working in a legal practice and the enjoyment of working in a team orientated, highly supportive work environment was clearly evident.

However, by early March the impact of coronavirus restrictions on client numbers and the potential risk to our staff and students in dealing with clients face to face was becoming apparent.

How we operated had to change. The status quo was no longer acceptable.

This was a testing time for Monash Law Clinics and its partners and clients. Continuing to service our clients was critical but a different delivery model was required.

Fortunately, a lot of work had already been undertaken over the past twelve months to build a virtual clinic model. Although this work proved to be invaluable in setting up new remote clinics, it was only the beginning of a long process.

Firstly, there had to be a change of mindset for the student, supervisor and client and an acceptance this new remote method for service delivery was the new normal.

This acceptance also meant a willingness to learn new online software, processes and means of communication. It was a significant change. For clients who also required the use of interpreter services, it was even more complicated.

Secondly, it was essential to have the right tools. The laptops, the software, the mobile phones. Thank you to the Law Faculty for providing these items. Equally important were a number of principles/ agreements associated with the use of these items such as Occupational Health and Safety, Confidentiality and Privacy which were modified to reflect a remote work setting.

Finally, it was the work of the whole clinic team in working together to make things happen. This involved a lot of discussion, compromise, a great deal of perseverance and a bucket load of goodwill and patience.

It was important the team kept agile in managing this change and in keeping things moving. Playing a key role was the contribution of the administrative team.

Comprised of Kay, Donna and Sophie the administrative team worked tirelessly to ensure the remote clinic model worked effectively.

Kay took responsibility for many of the Information Technology pressures whilst Donna and Sophie continued their great work in communicating the changes to the general public. A big thank you to the administrative team.

In a very short period of time, Monash Law Clinics quickly transformed its entire service delivery model to successfully meet the demands of the new working environment.

This was a huge achievement.

For the future, it means that Monash Law Clinics can operate under several different service models with equal effectiveness and success. There is no dependence on one working model.

It also means that students can learn and experience a work model that for many legal practices is now the norm.



*Tom Angelidis,
Operations Manager*



Administrative team enjoying a well-earned break

Supervisors – Professional Practice



*Fay Gertner,
Practice Manager*



*Jacqueline Weinberg,
MLCC Volunteer
Co-Ordinator*

As legal practice manager of the Clayton legal clinic, we have only seen the service grow in terms of student numbers and the increased capacity we have for the provision of services for our clients.

It has been encouraging to see the enthusiasm and initiative that law students bring to the clinic – in terms of their wanting to make a difference; wanting to understand better what a lawyer might do; and how they might do it.

The number of clients who have accessed the legal service has only increased both in numbers and the complexity of the issues with which they present. We continue to see clients, who are disenfranchised, both in accessing and understanding legal information and from engaging with the legal profession for assistance due to lack of funds and lack of knowledge.

Our clients are not one single entity- they are diverse in background; culture; education; socio-economic status; age; gender and more. Our clients are also not one single entity in terms of the types of legal issues which they present or who they are as people, with their own history and particular set of circumstances.

Treating each client as an individual who requires particular assistance suitable for their situation and capacity, is one of the most valuable lessons students learn whilst on placement, and a lesson that they can take with them when they leave and pursue whatever career path they undertake. It is more than just talking about “empathy” it is about the practice, reflection and constant re-evaluating of one’s actions and underlying thoughts and motivations – and this applies equally to supervisors and students. I believe that the exposure to practice in a clinical environment is a significant challenge for those who want to have a break from the lecture theatre and challenges them in a way that is different from exams and assignments.

There are many situations that students are placed in, but none has been so challenging as the situation created by the COVID-19 and the commencement of the remote clinic. A great deal of hard work was put in to the development and implementation of the remote clinic, and it is a work in progress but to date has been enthusiastically adopted and adapted to – by students and staff.

*Fay Gertner,
Practice Manager*

The Monash Volunteer Program Goes Remote

Since its inception, the Monash Volunteer Program has been very successful in providing legal services to those clients who wish to attend MLCC after hours. Law students, who have completed Professional Practice Units at MLCC, known as mentors, buddy up with Monash law students who wish to gain experience in a legal service (mentees), to provide legal advice to clients.

There are two evening sessions per week, a family law advice session on Tuesday evenings and a general law advice session on Wednesday evenings. During COVID-19, due to the restrictions in place, the Monash Volunteer Program was unable to continue onsite at MLCC.

In order to meet the huge demand for legal service, the Monash Volunteer Program changed to a remote service. Mentors provide telephone advice to clients remotely under the supervision of myself as the general law supervisor and Amanda Graham, family law supervisor. If ongoing assistance is required, clients are then referred to another MLCC appointment.

This remote service continues to provide clients who cannot attend CLCs in person with opportunities to obtain advice in relation to legal matters.

During COVID-19, clients are unable to access legal services onsite or they may be living in regional or remote areas, or cannot otherwise attend because of disadvantage and marginalisation. The Monash Volunteer Program incorporates digital aspects in terms of the making of appointments, checks to avoid conflict of interest concerns and the sharing of documents and information to prepare clients for their ‘remote appointments’.

Through participation in the remote Monash Volunteer Program, student volunteers continue to meet the legal needs of clients at a time when there is a heightened requirement for legal service. In this way, the Monash Volunteer Program continues the ongoing commitment of the Monash Clinical Program to education and community service by engaging in a flexible framework for service delivery as well as educating students about social justice, legal practice and the parameters of professionalism.

*Jacqueline Weinberg,
MLCC Volunteer Co-Ordinator*

Family Law Assistance Program

The Family Law Assistance Program ('FLAP') at Monash Law Clinics has been further developed and enhanced in the past year.

The strong foundations laid in 2018 and consolidated in 2019 continue to benefit our Family Law Assistance Program. A big thank you to Dr Adiva Sifris who worked tirelessly to help lay the foundations and bring in changes which were important to streamline our Program. Thank you also to Associate Professor Rachel Spencer our Clinic Director who supported the necessary changes.

FLAP continues to be one of the most popular Professional Practice Programs at the Monash Law Faculty. It has been part of the Clinical Legal Education Program for over 20 years. Its longevity is a testament to the interest students have in providing access to justice to vulnerable clients involved in family law disputes. Ms Irene Apap and Dr Ann Wollner have continued to be our sessional supervisors having both worked at various times at the Clinic. They have brought to FLAP skills which were particularly valuable in the family law setting. Ms Apap has worked in private practice, has been a member of the Victorian Bar and has worked at Victoria Legal Aid. A former Monash University student she has enhanced our Program. Dr Ann Wollner has worked as a solicitor for many years and is also a qualified Clinical Psychologist. Her skills in the family law area are highly regarded. A very big thank you to Ann and Irene for their hard work and dedication. I acknowledge their positive contribution to our program.

The Family Law Assistance Program

The program was introduced at our service in April 2000. It was set up to assist litigants in person with their family law matters particularly in the Dandenong Registry of the Family Court. Our program through the hard work of its students and their supervisors continues to assist family law clients who do not qualify for legal aid funding and yet cannot afford a private solicitor. Our goal is to assist vulnerable people who would otherwise have to navigate the family law system on their own. Monash Law Clinics Clayton is conveniently located next to Monash University and only 15 minutes from Dandenong in the South Eastern suburbs.

The majority of our clients come from non-English speaking backgrounds. Their language difficulties and their diverse cultural backgrounds are an added challenge to client service. The family law issues which we deal with include parenting disputes, property matters, change of name, passport applications and restraints on travel.

We continued with three appointment sessions per week, on Tuesdays, Wednesdays and Fridays until April 2020 year when our operations were curtailed because of the COVID-19 pandemic. We usually book up to eight new clients for each session for advice only. Our students interview clients on their own, carefully gathering the facts before consulting with their supervisors. Upon consultation with their supervisors the students go back to the clients to provide initial advice. Our case work is generated from these clients depending on whether they meet our "guidelines" and whether the Program has capacity to take on the new clients. During the COVID-19 pandemic, we have been able to continue our service remotely with staff and students working from home.

Our FLAP Students

Our program could not run without the dedication and hard work of our students. The students are fortunate to have access to the Clinical Guarantee and to the continued support from the Law Faculty at Monash University. The purpose of our program is to provide our students with an opportunity to learn practical legal skills in the family law area. Students learn by working on real family law files with real clients. They learn interviewing skills, how to communicate with clients and manage client expectations. They run files and learn to write letters and make proper file notes. They also learn to draw up legal documents and assist clients to negotiate their family law disputes. Supervisors provide feedback and guidance to their students. Reflection is an important part of the learning process. Students are encouraged to reflect on their work through regular discussions with the supervisors and other students. They are also encouraged to work collaboratively with fellow students, members of staff as well as external stake holders.



*Sylvia Maramis
Practice Academic/
Managing Lawyer
(FLAP)*

The practical learning is supported by a Seminar Program including seminars on Ethics, Family Law Practice and Procedure as well as a Seminar on Family Violence. In addition, seminars on Alternative Dispute Resolution and Cultural Competency further enhance our students' learning. Research is also emphasised during the course. Our students undertake research as needed whilst running their case files. In addition, they complete a research essay on a topic of their choice, drawn from an issue arising during their time at the Monash Law Clinics.

A big thank you to our very dedicated and hard working students. Our clients benefit immensely from their work.

Family Violence

Family violence continued to be an issue for many of the FLAP clients. We had referrals from Victoria Legal Aid, family violence organisations in the South Eastern suburbs and the Family Advocacy Support Service (FASS) as well as private practitioners. Our students visited the Magistrates' Court at Dandenong to observe how the Court deals with Family Violence Intervention orders. This enhanced their understanding of family violence and the impact this has on their family law matters.

Duty Lawyer Service at the Dandenong Federal Circuit

We have continued to offer a Duty Lawyer/Advice Service each Monday at the Federal Circuit Court at Dandenong. We work collaboratively with the Family Advocacy Support Service (FASS) partners and the Court staff to offer the best service possible. The FASS partners include Victoria Legal Aid, Peninsula Community Legal Centre, WAYSS and NTV "No to violence". We are grateful for their continued support. A big thank you to the Registry Manager Federal Circuit Court Dandenong, the Federal Circuit Court judges as well as their Associates for their continued support. A special thank you also to Ms Hilary Molinia VLA Project Manager.

Integrated Learning – Multi disciplinary clinic

Our FLAP students have continued to work with the social work students. The law students interview clients jointly with the social work students. This approach recognises the multi-faceted nature of family law and the need for a holistic approach.

Family law problems are intertwined with other issues including mental health issues, financial issues, housing issues and other concerns which need a multi-disciplinary approach. The involvement of Monash University's social work students enhances the learning of the students and the service provided to our clients. A big thank you to the social work supervisors Maura Bevilacqua and Sonali Owen and to their amazing students.

Impact of COVID-19

March 2020 was particularly challenging. This period was the first lockdown as a result of Covid-19. Monash University acted quickly and decisively to ensure the safety and wellbeing of staff and students. One result of this lockdown was Irene Apap and I ended up working remotely. The Family Law Assistance Program was re-scheduled to commence in June 2020. Our Director Associate Professor Rachel Spencer and the Academic Director of the Springvale Monash Legal Service Dr Jacqueline Weinberg worked tirelessly to ensure that our program could be delivered remotely. I am very grateful to both of them for their hard work and to everyone else involved in that process. During this time Irene and I continued working on our family law files remotely to ensure our clients continued to receive the best service possible.

Our Supporters

Our Program is based on a collaborative effort by very talented, skilful and friendly staff. This includes our Director Associate Professor Rachel Spencer, Fay Gertner our Practice Manager, Tom Angelides Operations Manager, Kay Jamieson, our office Manager and Donna Binios our Receptionist. Thank you to all. A very big thank you to the Law Faculty for their continued support and particularly our Dean Bryan Horrigan, our Associate Dean of Experiential Education Dr Jeff Giddings, Dr Adiva Sifris the Director Clinical Units, Fiona Bygraves the Faculty General Manager and Melissa Fletcher the Manager of Experiential Education.

Monash Law Clinics – Melbourne (MLCM)

We celebrated Monash Law Clinics – Melbourne’s (MLCM) first birthday in July 2019. It has been an absolute pleasure working with the rest of the team to expand services and impact of the work done at MLCM.

MLCM assists clients with family law, summary crime, debts, infringements, consumer and motor-vehicle matters. There are two to three sessions of client appointments each week, where eight to ten new clients are booked in for appointments on each of those days.

When the COVID-19 Pandemic began in March 2020, students very quickly transitioned to continuing their valuable work in a remote setting in a matter of weeks. Since the Pandemic, we have been able to continue offering critical services to members of the community. Our team embraced opportunities to deliver services and quickly supported each other in assisting the community, in particular, with family law, infringements and tenancy matters, where demand for assistance, law and practices changed rapidly within a few months. We are very grateful that our staff and students were flexible during these unprecedented times while maintaining a high level of professionalism and passion for providing services to clients. Our team was able to resume client appointments via telephone within a month of transitioning to remote practice.

In 2020, a number of community engagement projects commenced. JD professional practice students examined the Infringements system in Victoria, International Parental Child Abduction issues and explored improving services and engaging with Culturally and Linguistically Diverse communities.

Within a year, MLCM has grown from assisting the community through the professional practice subject to hosting a wide range of In-House clinics including Australian Law Reform Commission, Anti-Death Penalty, Modern Slavery, Trade Lab and Climate Justice.

We said good bye to a number of administrative staff members including Chyntia Wibowo and Nathan Wood, both former professional practice students who have now commenced their career in legal practice.

We welcomed Sophie Winzar, without whom MLCM would not run smoothly! We also thank Kay Jamieson, Donna Binios and Tom Angelidis for working tirelessly over the year as the clinic continues to expand. We thank Rachel Spencer, Melissa Fletcher, Ross Hyams and Jeff Giddings for leading MLCM through all our adventures this past year.

MLCM looks forward to providing more opportunities to students working towards improving access to justice in the future years.



*Jennifer Lindstrom
Legal Practice
Manager and Principal
Lawyer – MLCM*



*Staff and students
enjoying Christmas lunch
at MLC Melbourne*

Start up/Innovation Clinic

Monash Law Clinics expanded its operations to trial a Start-Up and Innovation Clinic

This was an exciting opportunity for five students who participated in the pilot Clinic in the second half of 2019 under the supervision of Associate Professor Rachel Spencer.

For the first five weeks, the students were located at The Generator on campus at Clayton. The Generator is Monash University's 'start-up hub' where Monash students can pitch business ideas and get expert help to bring those ideas to life. The Start Up Clinic students then spent a number of weeks providing legal advice (under supervision) on-site at the Eastern Innovation Business Centre.

The pilot clinic operated in collaboration with lawyer Fotini Kypraios from Prisma Legal, and helped clients with a range of legal issues that arise for start-up businesses, such as confidentiality agreements, corporate structures, statutory interpretation, intellectual property law, contract law, liability and indemnity issues, directors' duties and the review of documents. New businesses were able to obtain advice to ensure that they were operating lawfully. The Start-Up Clinic also ensured that clients were aware that a financial investment in legal advice early in the life of a business venture is both prudent and necessary in order to avoid much more expensive urgent legal assistance at a later time.

It is in the public interest that business ventures comply with regulatory requirements and consumer protection legislation. It is also in the public interest to provide legal advice to entrepreneurs to enable them to succeed and provide economic stimulus to the community. Many start-up businesses develop new products and services that are of community benefit. In this way, Monash Law Clinics is expanding its mission as a community legal service.

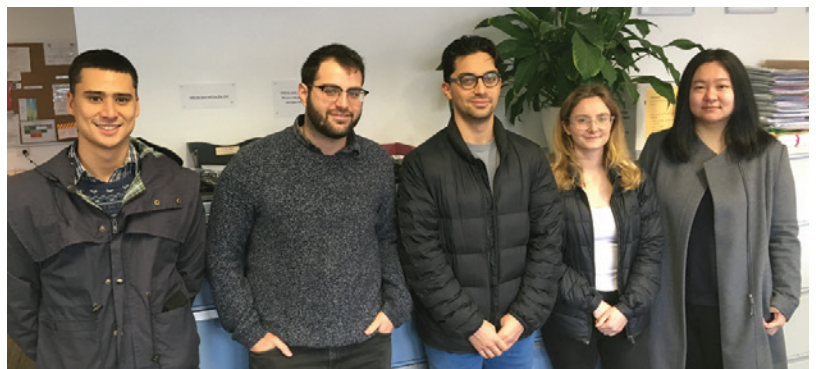
Feedback from clients suggested that the service was beneficial and that there was a demand for this type of service. The Start-Up Clinic was also a pedagogical success. The students were very engaged and had the opportunity to develop multiple skills. Students were able to develop their substantive legal knowledge of areas of law relating to start-ups and in that process, they provided practical and valuable legal services to clients of the service. They had the opportunity to improve their professional skills to become successful lawyers, including analysis of complex legal problems, applying the law to a set of facts, interacting with clients, working in a group with other law students, making presentations, writing legal memos and letters and adapting the explanation of legal expertise to clients.

The pilot Start-Up Clinic was very successful in stimulating students' personal skills and aspirations to contribute to legal work that assists in the development of innovative ideas and new businesses and encourages such businesses to adopt appropriate, lawful and ethical strategies to develop their ideas. It also aimed to make students aware of professional opportunities in the start-up law field through interactions with other students and a diversity of clients and stakeholders.

The Start-Up Clinic is now part of Monash Law Clinics and in 2020 continues to provide a remote legal advice service under the expert supervision of Fotini Kypraios.



Rachel Spencer



Zachary Lam, Chananya Groner, Alexander Valente, Lucy O'Sullivan and Yutong Fan

Anti-Death Penalty Clinic



Sara Kowal
LLB MPPM

Manager –
Partnerships and
Clinics, Capital
Punishment Impact
Initiative, Monash Law

In July 2018, we launched the Anti-Death Penalty Clinic (ADPC) under the Law 4811 In-House clinical program.

The ADPC was the first phase of the Capital Punishment Impact Initiative (CPII), a collaboration between Monash Law and the Capital Punishment Justice Project, an Australian NGO. The long term vision of the CPII is to become the region's leading institute for evidence-based research, policy, network building and clinical case-work devoted to restricting and abolishing the death penalty.

The ADPC has been built under careful guidance of Professor Jeff Giddings, Associate Dean (Experiential Education). Monash Law students now have the opportunity to work alongside NGOs and lawyers across Asia who require assistance with casework, research and advocacy briefs. Students gain real-life hands on experience working under the careful direction of lawyer Sara Kowal, Manager - Partnerships and Clinics of the CPII. Sally Andersen and Jennifer Paneth work with Sara to supervise the students.

Since July 2018, 57 students have completed the Clinic with another 21 students currently undertaking Clinic, which is being taught remotely for the first time. The Clinic is open to JD and LLB students, who work in teams of three on a number of projects.

An example of the type of work undertaken is a local lawyer in a country that retains the death penalty sending the ADPC a brief of evidence in one of their cases to review and summarise. Students will review the evidence in detail, identify potential key issues and provide a detailed memorandum for the local team.

They will then work under the direction of local lawyers to further research both the local and comparative law in relation to the client's case. Given the caseload many of our partners in the region are managing, this background legal research conducted by the ADPC provides meaningful support, enhancing their ability to run a number of complex cases at the same time.

The feedback from the students has consistently been very positive. A measure of this has been the number of students who have completed the ADPC that have remained on as volunteers, continuing to use the skills they have gained to create real-life impact.

The ADPC is grateful for the ongoing support of Professor Bryan Horrigan, Professor Jeff Giddings, Melissa Fletcher and the team at the Monash Law Clinics, for their continued support of this important initiative. We also thank Julian McMahon AC SC, Matthew Goldberg and the team at the Capital Punishment Justice Project for their assistance with supervision of a number of the ADPC projects.

"The Anti-Death Penalty Clinic was transformative for me. It allowed me to pursue an area of law where I could make a meaningful contribution to social justice. Through the clinic, I joined my peers and esteemed lawyers in the path for the abolition of the death penalty. But in doing so, I also began to understand the harsh reality that persons accused of capital offences face. Working closely with Sara Kowal and her colleagues, I was able to put my knowledge of the law and Asian language into practice, conduct valuable research that can be used by others and formulate legal arguments that catered to the political climate of the country where death-row inmates are imprisoned. From this experience, I have and will continue to elevate legal reform of death penalty practice by supporting the clinic's activities for many years to come".

Samira Lindsey, ADPC 2019

"I really loved my duration of the Anti-Death Penalty Legal Clinic. As someone who has worked in human rights and is interested in a career in human rights law, the clinic was excellent exposure to a range of casework, research and advocacy activities. I was able to apply my learnings from human rights in real-life, practical ways. We developed submissions for the UN Human Rights Council to advocate for those currently impacted by human rights violations across Asia...I would strongly recommend this clinic to anyone with an interest in criminal or human rights law."

Courtney Keefe, ADPC 2020

MLC Street Law

Monash Law Clinics now operates a Street Law Program, in partnership with the Monash Law Students' Society (LSS).

In the second half of 2019, I worked with a group of 20 volunteer Monash law students to develop their skills to present community legal education talks to school groups. Thanks to the LSS, and in particular to LSS 2019 Education Officer, Daniel Gates, for helping me get the program up and running. We ran 3 workshops to prepare the students and then had group debriefs to discuss their experiences. Student groups then delivered 10 presentations to a range of schools.

These experiences provided a great platform for further development of the program. I see the program offering opportunities for middle-year volunteer law students to develop client-focused skills that will prepare them for taking part in the Monash Clinical Program. And we get to connect with local schools and their students.

Despite COVID-19, the Street Law Program is running again in 2020, developing community legal education presentations to be delivered remotely to schools and community organisations. Two of the students who participated in 2019, Nate Cheng and Dhruvi Desai, have continued their involvement in the program as the Street Law Officers appointed by the LSS. They have done a great job. We have already delivered 2 virtual workshops on interactive teaching preparing 30 students (selected from more than 90 applicants) for their involvement in the Program. I was delighted by the way we made the shift to virtual delivery of the workshops – via Zoom. We kept the interactivity and highlighted the importance of focusing on presenting in ways that work for your audience.

A Student Reflection on the Monash Street Law Program – Nate Cheng

Sometime at the end of September 2019, I found myself alongside a fellow Monash Law student in front of a class of year 10s at Canterbury Girls Secondary College. We were there to conduct a community legal workshop covering employment rights under Australian law. The workshop, which took us four weeks to design, was one among nine others in Monash Law School's first year of Street Law.

Having joined Street Law not knowing exactly what to expect, my partner and I were apprehensive about whether we could engage a group of teenagers for a little over ninety minutes. Street Law's biggest challenge was set out before us. What were the ways we could make community law fun, interactive and interesting for a group of school students?

The process behind designing a Street Law workshop was not to be taken fleetingly. It was about trying and testing different teaching methods and deciding which helped students feel most stimulated and challenged. We discovered that one of the best ways to get students to engage was to remove the tables, chairs and screens throughout the workshop. The students with whom we worked felt more inclined to get involved when they were required to stand up, walk around and speak to each other.

Very quickly, the importance of interactive community legal education became clear. The skills I acquired in Street Law became incredibly beneficial for how I approached my placement at the Monash Law Clinics later that summer. Having explored different ways of making legal information memorable and engaging, I came prepared with the skills to deliver legal advice in ways my clients found relevant and easy to understand. Sometimes, it involved a bit of trial and error.

Now, as the Monash Law Students' Society's first Street Law Officer, it is exciting to work alongside Jeff Giddings to contribute to the ever-evolving fabric of Monash Law School's clinical education programs.



*Professor Jeff Giddings
Associate Dean
(Experiential Education)
Monash Faculty of Law*



Nate Cheng



Appointment Times



Kay Jamieson
Administration Officer

ABN 90 901 523 080
Reg. No. A31

Monash Law Clinics

60 Beddoe Avenue
Clayton VIC 3168

Level 11, 555 Lonsdale Street
Melbourne VIC 3000

Telephone: 1800 860 333
Facsimile: (03) 9905 1113

Business Hours: 9am – 5.00pm Monday to Friday



MONASH LAW CLINICS CLAYTON

Monday	9.00am – 4.00pm	Family Law Assistance Program Duty Lawyer Service @ Federal Circuit Court Dandenong
	1.00pm & 2.30pm	Generalist Law
Tuesday	9.30am & 11.00am	Generalist Law
	1.00pm & 2.30pm	Family Law Assistance Program
	6.30pm	Volunteer Program – Family Law advice
Wednesday	1.30am & 3.00pm	Family Law Assistance Program
	6.15pm & 7.15pm	Volunteer Program – Generalist advice
Thursday	1.00pm & 2.30pm	Generalist Law
Friday	9.30am & 11.00am	Family Law Assistance Program

MONASH LAW CLINICS MELBOURNE CBD

Monday	9.30am & 10.30am	Generalist Law
	9.00am – 5.00pm	Trade Lab Clinic
Tuesday	9.30am & 10.30am	Family Law
Thursday	9am – 5pm	Anti-Death Penalty Clinic

Appointment times are subject to change

Statistics

1 July 2019 – 30 June 2020

Clients

Total Number of Clients	1675
New Clients	1307
Repeat Clients	304

Legal Advice

Total Number of Legal Advices Provided	1341
Referrals	79

Casework

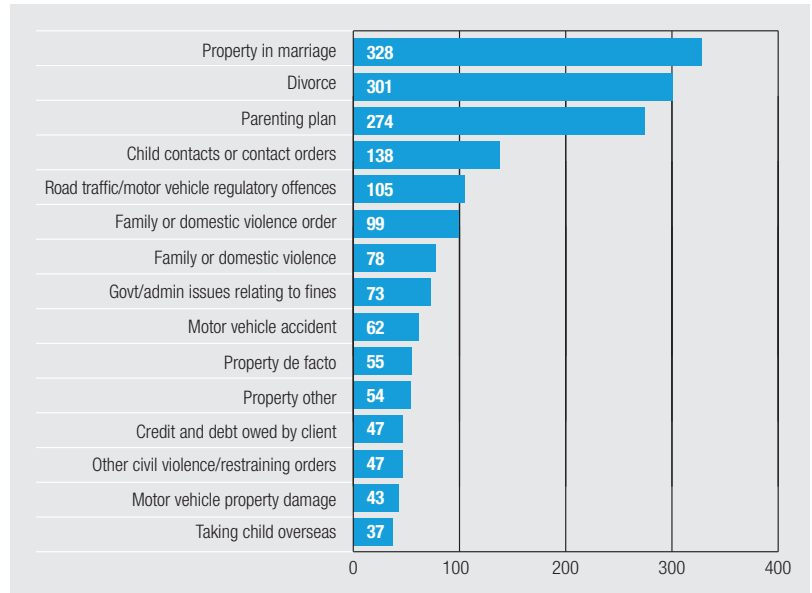
Total Cases Open during Period	335
Total Cases Closed during Period	381
Total clients seen at Dandenong Federal Circuit Court	49

Non-Casework Projects

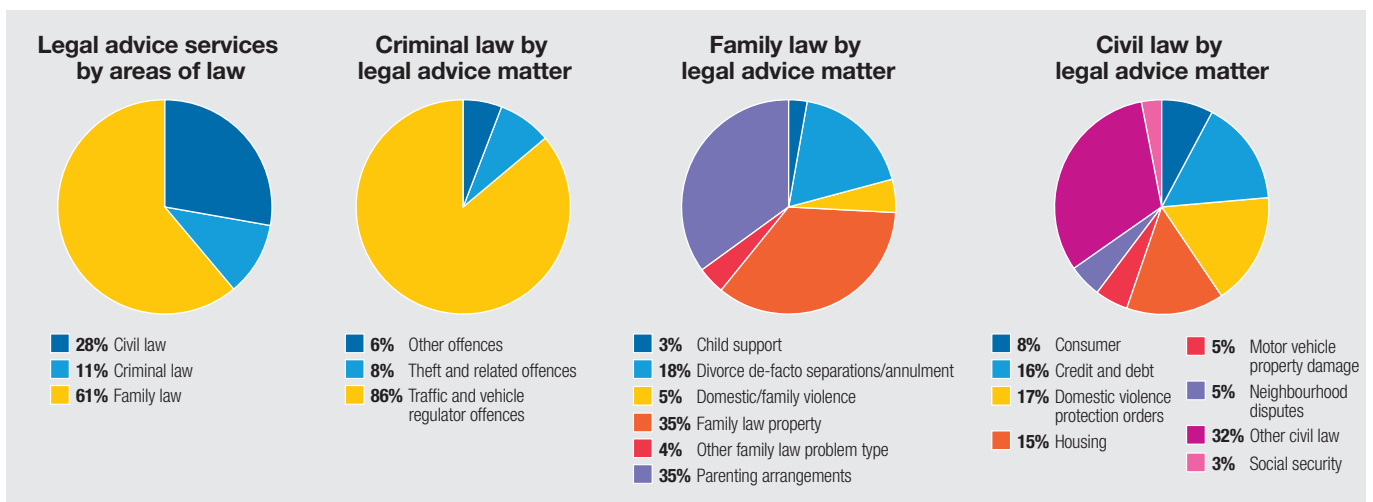
Community Legal Education	1
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All data effected due to COVID 19 restrictions.
No clinics with students from 17 March 2020.
Clinics with students resumed remotely from 22 June 2020.

Number of services by problem type



Services by areas of Law



Funding

1 July 2019 – 30 June 2020

Monash Law Clinics Inc. gratefully acknowledges Monash University Law Faculty and the following organisations for their funding support:

VICTORIA LEGAL AID

Commonwealth Government

Generalist	\$255,140
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State Government

Generalist	\$25,319
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The Pratt Foundation

	\$50,000
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Members of Staff

Jeff Giddings	Associate Dean (Experiential Learning)
Rachel Spencer	Director, Monash Law Clinics
Fay Gertner	Practice Manager, Monash Law Clinics Clayton. LAW4328 Professional Practice Supervisor
Jennifer Lindstrom	Practice Manager, Monash Law Clinics Melbourne and Principal Lawyer
Renata Alexander	LAW4328 Professional Practice Supervisor
Annette Antolino	Bookkeeper
Adiva Sifris	Law 4330 Professional Practice Supervisor (Family Law Assistance Program)
Ann Wollner	LAW 4330 Professional Practice Supervisor (Family Law Assistance Program)
Maura Bevilacqua	Social Work Supervisor
Sonali Owen (nee Wijesinghe)	Social Work Supervisor
Sylvia Maramis	LAW 4330 Professional Practice Supervisor (Family Law Assistance Program)
Irene Apap	LAW 4330 Professional Practice Supervisor (Family Law Assistance Program)
Kay Jamieson	Administration Officer
Jacqueline Weinberg	LAW5050 Professional Practice (JD) Supervisor
Ross Hyams	LAW 4328 Professional Practice Supervisor
Vicky Kordouli	LAW5050 Professional Practice (JD) Supervisor
Sara Kowal	Professional Practice Supervisor (JD) Anti-Death Penalty
Melissa Flechter	Manager, Experiential Education
Tom Angelidis	Operations Manager
Caroline Henckels	Professional Practice Supervisor (JD) Trade Lab
Donna Binios	Receptionist
Sophie Winzar	Administrative Assistant
Nathan Wood	Casual reception
Jessica Kwong	Casual reception
Carmen Wu	Casual reception
Ramona Long	Casual reception
Hollie Curtis	Casual reception
Chyntia Wibowo	Casual reception
Jonathan Wong	Casual reception
Patricia Bordos	Casual reception

Monash Law Clinics Board

Nahum Mushin	President
Guillaume Bailin	Vice-President
Alan Shanks	Secretary
Jeff Giddings	Treasurer
Jane Prior	Committee Member
Kathy Ilott	Committee Member
Melissa Fletcher	Committee Member
Rachel Spencer	Committee Member
Jackie Weinberg	Board Member

Professional Practice Students

Wayne Ho
Isabella Stubbs
Alex Cox
Cristina Trafficante
Jenny Nguyen
Nathan Cheng
Cassidy Lee Lawson
Matthew Peter Hamblin
Sara Rachel Phuong Doan
Tharani Senadheera

Mavis Lok
Martin Young
Olivia Freeman
Brooke Caulfield
Kristian Mexias
Romy Hersham
Lucinda Nadj
Joyce Li
Chan Yung Choo
Kathryn Tan

Catherine McMahon
Julia Bell
Camille Lourdes
Saloni Bhandoria
Crystal Nguyen
Ysabelle Kong
Ffion Sinead Gorman
Rebecca Anne Mahesan
Sarah Freeman
Jessica Leigh Cooper

Professional Practice (Juris Doctor) Students

Megan Buttigieg
James Simpson
Domenic Yow
Celia Welch
(Stella) Kyung Min Lee
(Ann) Xiaoyu Yang
Lance Dugan
Benjamin Kirsteuer
Steven Vegter
Rose George
Nicholas Parker
Jessika Syrjanen

Gordon Barnes
Will Doble
Katie (Caitlin) Hanstein
Mathilde Turner
Koji Yamanaka
Lisa Ann Meersbergen
Lin Lin Guan
Jacqueline Scodello
Rocky (Bojin) Zhou
Benjamin Vincent
(Bella) Isabella Schmidtke

Alice Louise Parsons
Joe Robert Charbine
Daniel Urbans
Mikaila Cass
Bowen Qi
Hannah White
Joanna Spiliotis
Ruth Fathers
Jayme Ationne-Diaz
Courtney Ann Colclough
Emma Niere

Social Work Placement Students

Hao Ge
Jasmine Chen
Ma (Carmela) Otarra
Ngoc (Michelle) Nguyen
Joyce Holtman
Win Ping Wong (Audrey)
Rory Lothian
Cassandra Repanis
Monica Phang
Kathleen (Kate) Dawson

Ghaida Falah Albardi
Lucinda Morley
Navdeep Kaur
Franciska Blanc
Chloe James
Rene (Xavier) Migale
Enrico Mori
Nicholas Curtis
Nataliya Tripp
Samuel Brown

Social Work Farewell - 13 December 2019 - Monash Law Clinics - Clayton



Social work students from left to right, Lucinda Morley, Michelle Nguyen, Hao Ge, Carmela Otarra, Cassandra Repanis and Practice Manager, Jenn Lindstrom

Introduction to Family Law Placement Students

Chase Jacobsen	Daniel Gouthro-Dowling	Yi Shi
Adrina Lim	Justine Jaramillo	Abbey Johnson
Bronson Duong	Phillip Ngo	Jordan Jacobs
Finley Angus	Jiayan Shen	Rohan Pereira
Jane Wells	Gellie Cano	Karyn Zhang
Xinyi Han	Saemeh Ghasemi	Rachelle Gorbachinska
Jemma Boschetti	Candice Jansen	Edward Lei
Khanh Truong	Douglas Lim	Bridget White
Regina Nguyen	Tara Kiven	Madeline Agelis
Asher Chatterton	Alexandra Ellem	

Volunteer Program: Tuesday & Wednesday Night

Supervisors

Kristy Fuge	Annelis Bos	Amanda Graham
Alisha Edwards	Tim Gough	

Student Mentors

Phoebe Ng	Claire Lawler	Jessica Steele
Jonty Brooking	Nikolas Riegler	Carla Massaria
Shaan Boolell	Nicole Clark	Michelle Freilich
Daniel Kietyka	Alexander Norrish	Rachel Collins
Grace Hurley	Richelle Al Kian	Gemma Patellas
Scott Gan	Penny Toniolis	Christina Nikolakakis
Daniel Levenda-Freeman	Sohie Pinkus	Claire Hart
Pei Foo	Kathy Truong	Jessica Coles-Black

Student Mentees

Nikki Bundock	Fawhad Nazeri	Mia Steward
Luke Marin	Valerie Ong	Sarah Tan
Jaffa Withers	Michaela Glass	Daniel Winter
Talia Slonim	Stephen Dickson	Matthew Ung
Jonathan Dong	Sarah Kasner	Helen Nguyen
Michelle Yuan	Stefanie Nortije	Merryn Cagney
Jacob Beshara	Maya Patel	Natalie Hayman
Li Hua Zhang	Rhea Warnor	Nicholas McNaughton
Elsie Richardson	Naomi Gibbons	Jack Cleveland
Andrew Taylor	Theresa Nguyen	Sonia Mackie
Nathan Shannan	Samantha Lee-Birch	Stan Mavroudis
Xiaofei Lu	Chloe Stuart	Rebekah Crawley
Eliza Miller	Isabella Burton	Sarah Fitton



*Students enjoying the facilities
at Beddoe Avenue*

Work Experience Students

Prakhar Khare

Thevindu Wijesundara

Anti-Death Penalty Clinic Students

Sowmyaa Sangu

Akarsh Mukundan

Anne Elizabeth Knox Poulsen

Evelyn Kourambas

Romy Griffin

Alana Clare Hale

John Steven McLellan

Rebekah Crawley

Mehraaz Singh Sidhu

Evangelia Diamontopoulos

Gabrielle Anne Lloyd

Thomas Fletcher

Phoebe Xiao-Tong Ding

Sophie Upperton

Julijana Emilija Todorovic

Eleanor Ng

Sean Francis Bricknell

Phillipa Grace Cole

Charlie Clark

Stephanie Zhu

Courtney Keefe

Nilushini Jayaratne

Grace Bussey

Nathan Haynes

Brianna Scroope

Andrew James Lopes

Guy Aharoni

Roisin Pryor

Emma Jacobs

Samira Lindsey

Isabel Abdulnour

Duong Trung Nguyen

Georgina Vayenas

Divya Khushalani

Modern Slavery Clinic Students

Eythoxia Apokis

Charley Longstaff

Claire Smart

Austin Bond

Sarah Browell

Phoebe Naylor

Alina Ali

Ambra Soci

Daniel Gouthro-Dowling

Leigh Roux

Peggy Sakwa



Start-Up/Innovation Clinic Students

Alexander Valente

Chananya Groner

YuTong Fan

Zachary Lam

Lucy O'Sullivan

Law Reform Clinic Students

Jackson Hurley

Ashlee Sherman

Georgina Pattas

Climate Justice Clinic Students

Andrew James Bennett

Jonathan Goodrich

Alice McNab

Tony Li

Naomi Gibbons

Julian Petris

Sasha Brady

Alanna Harrigan

Rahul Ramesh

Taylor Van Oorschot

Laura Zolis

Claudia Wortmann

Casey Dias

Yazmin Judd

Shalini Uthayakumaran

Sophie Robinson

Laura Brookes

Ariadne Paras



*Ashlee, Jackson and Georgina
(at back)*

Student Reflections

Celia Welch

Reflection on my placement at MLCM

Participating in the clinical legal education program at MLCM has been the most valuable way to finish my JD because it has bridged the gap in my knowledge between academic study and practising law. I have learnt important lessons at MLCM, and I also now see more clearly the areas in which I will seek to continue my professional development as a lawyer, in addition to maintaining my proficiency in substantive law and procedure.

Ethics

Professional ethics is 'the law of lawyering',¹ and at the heart of legal ethics is 'a cause... a sincere respect for the equal dignity of others' which energises lawyers to display the 'ordinary diligence' that is part of everyday work.² The ASCR,³ with which my personal ethics fortunately align, along with my supervisor's daily demonstration of her ethical approach, provided me with crucial guidance during my placement, and my understanding of ethics in practice is now enhanced.

Even so, I discovered that in practice it can be challenging to meet professional ethical obligations. For example, at the start of my placement, I was unsure of the best language to use to communicate with my clients, and other parties. However, I have consciously developed my vocabulary and streamlined my language to enable me to communicate the correct advice more efficiently, thus concurrently assisting my clients to resolve their legal issues and meeting several ethical obligations.⁴ This also protected my supervisor's practising certificate and MLCM's reputation.

It is satisfying to reflect that my lawyering skills in this regard have developed as MLCM has also shown me that diverse ethical issues arise in practice. Therefore, reflecting on the correct ethical approach to a situation will be a daily part of lawyering. Further, upholding my ethical obligations will be an essential and practical contribution that I can make to ensure that clients receive the best possible service, and that the legal system operates effectively.

Clients

Managing client relationships is an important part of any service-driven organisation. However, at MLCM I learnt that managing legal clients and their matters requires its own nuanced approach. As a CLC offering free appointments, MLCM clients are often experiencing disadvantage due to their circumstances, whether mental health issues, low income, or CALD backgrounds. Therefore, it was vital that I presented an empathetic demeanour to gain both their trust and the information necessary to assist them with their legal issues. Further, the fiduciary nature of the lawyer-client relationship also meant that these clients perceived comments which I would usually class as general common sense as legal advice, so I needed to be mindful of this when speaking with them.

I found the initial client interviews to be very challenging and stimulating as I needed to obtain and synthesise information quickly and accurately. As my placement progressed, I became more adept at asking questions and observing clients' behaviour as well as managing interpreters in this context so that I retained control of the interview. Equally, once a client's file was opened, responding flexibly to their unpredictable behaviour which changed the matter's progress was invigorating, and being resourceful in this way is an aspect of practical legal problem-solving work that I've enjoyed.

Gauging the client's mental and emotional state was also essential to my ability to then communicate the legal advice in a way they would truly understand. While I expected clients to be distressed, and some were, I was surprised that some clients were very relaxed, perhaps unaware of or in denial about their circumstances. So, I tailored my language accordingly. Similarly, I expected that clients would be upset and angered if we provided 'advice only', and some were, but I was surprised by how many clients revealed it was the same advice they received elsewhere, i.e. they were 'lawyer shopping'. While I believe that everyone is entitled to receive initial advice about a legal issue, I did question the effect of this in relation to broader access-to-justice issues as these lawyer-shoppers are essentially taking scarce CLC appointments from genuinely disadvantaged clients.



Celia Welch

Final year,
Juris Doctor

1. Catherine Parker and Adrian Evans, *Inside Lawyers' Ethics* (Cambridge University Press 2007) 4.

2. Kenneth Harkness, 'At the heart of legal ethics' (2016) 60(12) *Quadrant* 52, 55.

3. *Legal Profession Uniform Law Application Act 2014 Australian Solicitors' Conduct Rules 2015* ('ASCR').

4. ASCR r 4.1.1 (to act in the client's best interests), r 4.1.3 (to 'deliver legal services competently, diligently and as promptly as reasonably possible'), r 7.1 (to provide clear advice to enable a client to understand and make informed choices about actions in relation to their legal position), and r 3 (the paramount duty to the court and the administration of justice).

Inheriting the complex file of a difficult client was also challenging. There was so much information to absorb, although I still discovered some omissions, including any notes about the client's poor behaviour towards previous students. It took hours of work and several discussions with my supervisor to feel that I was 'across' this file. This influenced me to be meticulous in preparing all my files for handover to my incoming student colleague. I envisage that this level of study and preparation will be required when I am a junior lawyer taking on client files. Further, dealing with this difficult client was the best practical experience for me to learn about a lawyer's need for self-reflection and debriefing with colleagues, as these strategies helped me to maintain my mental and emotional wellbeing, and to build the resilience that I needed to continue engaging with the client professionally.

The Art of Letter Writing

Beginning to learn the art of legal letter writing during my MLCM placement has been empowering because it is a very practical task resulting in a tangible outcome which brings together the client's instructions with my legal research. In this digital age where business is often conducted in a rapid exchange of emails and conversations, MLCM has shown me that taking the time to structure a letter that conveys the appropriate tone as well as the relevant information can progress a client's matter more effectively, while at the same time covering oneself from misinterpretation. Although I'm sure that firms will have template letters as a business efficiency, my experience at MLCM holds me in good stead because it has taught me the fundamentals and discipline of drafting a well-written letter, and inspired me to continue developing my practical legal writing skills.

Legal Administration

My time at MLCM taught me that legal administration is necessary and useful, but also cumbersome, so one must be diligent in maintaining it. In this way, the MLCM environment resembled the local government sector in which I have worked for several years. Thus, my existing administration skills were a strong foundation and meant that I only had to learn the specifics of MLCM's systems. Further, as in local government, building rapport with administrators was a

technique which I applied at MLCM so that I could communicate candidly about an urgent matter, or ask how I could contribute to office efficiencies. This ensured a positive working relationship, and so an efficient workflow, resulting in well-maintained files which were ready to close or handover at the end of my placement.

The Justice System & Collegiality

My experience assisting a client charged with drug trafficking at court taught me, an educated soon-to-be lawyer, a great deal about the practicalities of navigating our legal system. It also highlighted to me the challenge for self-represented defendants who are 'flying blind' in an often intimidating, bureaucratic system in which productivity and efficiency may, at times, be realised at the expense of justice.⁵ Without me, my client may not have persevered at the various court counters to request Legal Aid, obtain the police brief, and gain the cooperation of the registrar to secure an 'over the counter' adjournment and the associated bail extension. This was the best outcome in the circumstances both for the client and the court system, which is under pressure due to the current high volume of cases.⁶ In this regard, I can see that the legal system as a whole relies upon lawyers, the police, and the courts working collegially to ensure that justice is administered equitably. My first experience of court through MLCM was exhilarating, and it has shown me that I have more to learn about court procedures in order to fulfil my role as a lawyer in a complex legal system.

Conclusion

I have experienced significant professional growth during my placement at MLCM because of its unique model of mentoring students and servicing real-life clients with actual legal issues. I have improved my practical legal skills, been fortunate to have an excellent supervisor who has challenged and guided me, and I have formed what I hope will be an enduring network of colleagues. While I still have much to learn, I am excited for the next step in my new career.

5. Russell Marks, *Crime and Punishment: offenders and victims in a broken justice system* (Redback 2015) 36-9.

6. Bianca Hall, 'Court congestion sees prisoners miss hearings, serve time in police cells', *The Age* (2 May 2019).

Case Studies

Bridget White

I was very fortunate to participate in the Family Law Assistance Program (FLAP) at the Monash Law Clinics Clayton in Clinical Period 1 2020, as it was one of the best experiences of my law degree. It provided me with a unique learning opportunity to develop both practical skills, such as effective communication with a client and legal drafting, as well as essential personal skills of respect, initiative and empathy when handling clients' cases. It also enabled me to work with a supervising lawyer, which was an incredible learning experience. I was very fortunate to receive expert guidance and support from my supervisor who encouraged me to take initiatives and ultimately become a better student.

I found that the most rewarding part of FLAP was working with clients and providing assistance that they may not have been able to access otherwise. One case that demonstrated this in particular was my client, Ms S, who we successfully assisted to obtain a Family Violence Intervention Order (FVIO).

Ms S and her husband, Mr H, had recently separated after incidents of family violence against Ms S and her child. Ms S had previously visited the clinic a couple of times seeking advice. When I interviewed Ms S she had begun the process of seeking an FVIO at the Magistrates' Court against Mr H.

A first hearing had occurred in which Mr H, represented by a private lawyer, contested the FVIO. An Interim FVIO was put in place against Mr H and the Magistrate ordered that Ms S submit Further and Better Particulars to the court, prior to the upcoming directions hearing, detailing the family violence that she had experienced. It was at this point that the clinic had the capacity to take on Ms S as a client and assist her in drafting the Further and Better Particulars.

During the process of drafting the Further and Better Particulars, Ms S attended the clinic to review the document and ensure that the information was accurate. I recall this being a particularly challenging interview, as Ms S was very emotional going through the details of this difficult time in her life. I remember talking to Ms S and reassuring her that although this is a hard process for her, it is a step towards potentially receiving a Final FVIO.

In recognising that this was a challenging time for Ms S, we also provided her with a list of local support services, including financial counselling and domestic violence services, that she could contact. This highlighted to me the importance of taking a holistic approach as clients' legal matters are often compounded by other social issues. This was evident in Ms S' case as a victim of family violence, there were not only legal ramifications, but she had also suffered from mental health problems that arose due to the family violence she had experienced. Ms S was able to receive assistance from a social worker throughout the FVIO process.

In addition to drafting the Further and Better Particulars, we were able to provide assistance to Ms S in navigating the court system. Ms S was placed in a difficult position being unrepresented, having a language barrier, as well as not having any family in Australia to support her. We were able to provide Ms S with the necessary information in order for her to navigate the courts and gain access to justice. We explained to Ms S that she may be able to receive assistance from a duty lawyer on the day of the directions hearing and provided her with an overview of the different possible outcomes. For example, if Mr H continued to contest the FVIO, she may be required to provide the court with a list of witnesses that she would like to call on and that the hearing would continue to a final contest. If this occurred, Ms S would be deemed to be a protected witness and entitled to legal representation by Victoria Legal Aid for the purpose of cross-examination by Mr H's legal representation.

Assisting Ms S understand the court proceedings further highlighted to me the importance of Community Legal Centres, enabling clients to overcome disadvantages they may face due to financial restraints and lack of knowledge of the legal system. In particular, through drafting the Further and Better Particulars for Ms S we were able to provide her with an opportunity for her story to be heard in court, further closing the divide between her and Mr H who had the financial means to be represented by a private lawyer throughout the process.



Bridget White

*Bachelor of Laws (Hon)/
Bachelor of Biomedical
Science, 6th year*

At the directions hearing Mr H consented without admissions to a Final FVIO for one year. Ms S was extremely grateful for our help in achieving this outcome, and it was one of the most rewarding parts of my experience at FLAP. Finally, we assisted Ms S to complete a Victoria Legal Aid application form for assistance with her other family law issues.

Ultimately, FLAP was not only an opportunity to learn and cultivate my legal skills but provided me with a deeper understanding of the invaluable benefits that Community Legal Centres provide. It was an extremely rewarding experience to be able to assist clients in their legal matters. I am very grateful to have completed my clinical placement at the Monash Law Clinics Clayton; to work alongside other caring and like-minded students, to be supported by all the staff at the clinic, and especially to learn and develop my legal skills with the guidance of my supervising lawyer. I am very appreciative to have been given the opportunity to make a real difference during my law degree.



Chloe James
1st year, Masters of Social Work

Case Study

Chloe James

Adeepa* presented at Monash Law Clinics Clayton (MLCC) with a family law matter, but her concerns turned out to be quite complex. Adeepa was seeking advice on an international property matter and was experiencing continued family violence in the forms of financial and emotional abuse, perpetrated by her ex-husband, who was living overseas. Adeepa was also seeking support on an immigration matter, as she felt that staying in Australia was the only way to “get away” from her ex-husband.

Adeepa’s legal matters were outside of the scope of legal advice that MLCC could provide, however the clinic considers its clients holistically and the social work and legal team believed that MLCC could still provide support. The law and social work team referred Adeepa to a service that would, if she were eligible, be able to provide a holistic approach to Adeepa’s legal and social work matters through a multicultural lens. A social work file was also opened for Adeepa. The reason that Adeepa’s case was so complex, and why the team felt that a continued social work relationship was required, was due to Adeepa’s cultural context and the possible challenges students felt

she might face in finding a suitable service option.

The social work student had a total of five phone appointments with Adeepa and offered several referral options (in consultation with the law student) as initial support options had not been viable. Taking a strengths based approach, the social work student continually validated Adeepa’s efforts and encouraged her to continue with her proactive approach to problem-solving.

Through these conversations, the social work student managed to build a strong rapport with Adeepa.

In the final follow up conversation, Adeepa informed the student that she had been able to source the support she required and had also taken the initiative to book an appointment with a counsellor. Adeepa thanked the social work student for her support and informed her that the referrals provided had been “really, really helpful”. The social work student again validated all of the time and effort that Adeepa had put in to contacting the referrals and advised her that she was able to return to MLCC in the future should she require further legal advice. Adeepa thanked the social work student again and let the student know that she now felt she was “on the right track.”

*name changed.

Financials

Schedule 1

Regulation 15

Form 1

Associations Incorporation Reform Act 2012

Sections 94 (2)(b), 97 (2)(b) and 100 (2)(b)

We Jeff Giddings and Rachel Spencer

being members of the Monash Law Clinics Incorporated Board certify that -

"The statements attached to this certificate give a true and fair view of the financial performance and position of the above named association during and at the end of the financial year of the association ending 30th June 2020."

Signed:



Date: 14 / 10 /2020

Signed:



Date: 14/10/20



ALKEMADE & ASSOCIATES

INSTITUTE OF PUBLIC ACCOUNTANTS

Report on the Financial Report

We have reviewed the accompanying special purpose financial report of Monash Law Clinics Inc. (the association), which comprises the Income Statement, the Balance Sheet, Statement of Cash Flows, Statement of Changes In Equity, a summary of significant accounting policies and other explanatory notes for the financial year ended 30 June 2020.

Committee's Responsibility for the Financial Report

The Committee of the association is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including Australian Accounting Interpretations), and for such internal control as management determines is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express a conclusion on the financial report based on my review.

I have conducted my review in accordance with Auditing Standard on Review Engagements ASRE 2410/ASRE2415 in order to state whether, on the basis of the procedures described, anything has come to my attention that causes me to believe that the financial report is not presented fairly, in all material respects, in accordance with the *Associations Incorporation Reform Act 2012*. As the auditor of the association, ASRE2410/ASRE2415 requires that I comply with the ethical requirements relevant to the audit of the annual financial report.

A review of a financial report consists of making enquiries, primarily of persons responsible for financial and accounting matters, and applying analytical and other review procedures.

A review is substantially less in scope than an audit conducted in accordance with Australian Auditing Standards and consequently does not enable me to obtain assurance that I would become aware of all significant matters that might be identified in an audit.

Independence

In conducting our review, we have complied with the independence requirements of Australian professional ethical pronouncements.

Conclusion

Based on my review, I have not become aware of any matter that makes me believe that the financial report of the association is not in accordance with the *Associations Incorporation Reform Act 2012* including:

- a) giving a true and fair view of the entity's financial position as at 30 June 2020 and of its performance for the year ended on that date; and
- b) complying with Australian Accounting Standards as referred to in Note 1 to the financial statements.

Basis of Accounting and Restriction on Distribution

Without modifying our opinion, we draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared to assist the association to meet the requirements of the *Associations Incorporation Reform Act 2012*. As a result the report may not be suitable for another purpose.

Mr Stephen Allen B.Bus Acc MIPA
Alkemade & Associates
Suite 2, 107 Union Rd
Surrey Hills Vic 3127

Signed on :...24th day of September 2020

MONASH LAW CLINICS INC.
2019 – 2020 Financial Report

Balance sheet for the year ended 30 June 2020

	Note	2020 \$	2019 \$
Asset			
Current Assets			
Cash at Bank		41,349	55,412
Accounts Receivable		133,700	308
Total Assets		175,049	55,720
Current Liabilities			
Trade & Other Payables	2	10,392	139
Advance Grants	3	158,770	49,694
Total Current Liabilities		169,162	49,833
Net Assets		5,887	5,887
Total Equity		5,887	5,887

Income statement for the year ended 30 June 2020

	Note	2020 \$	2019 \$
Income			
Grants: Commonwealth Funds – Generalist		255,140	251,292
State Funds – Generalist		25,320	24,824
COVID-19		121,500	–
Reallocation to VLA Grants In Advance		(109,076)	(3,844)
Monash Uni – external support for CEP		–	14,099
Donations		200	–
Costs recovered & retained		23	364
FCLC Interpreter Funding		3,875	3,500
Total Income		296,982	290,235
Expense			
Client Disbursements		–	14,440
Finance, Audit & Accounting Fees		7,074	2,686
Insurance		1,964	2,599
Interpreter Costs		4,367	4,071
Library, Resources & Subscriptions		1,328	4,242
Office Overheads		2,098	1,503
Programing & Planning		–	–
Repairs & Maintenance		56	354
Staff Training		95	327
Travel		–	13
Transfers to Monash Uni Law Faculty – salaries		280,000	260,000
Total Expense		296,982	290,235
Profit For Year		0	0

The accompanying notes form part of these financial reports

MONASH LAW CLINICS INC.
2019 – 2020 Financial Report

Statement of changes in equity for the year ended 30 June 2020

	Retained surplus	Total
	\$	\$
Balance at 1 July 2018	5,887	5,887
Surplus/(deficit) for the year	–	–
Balance at 30 June 2019	5,887	5,887
Balance at 1 July 2019	5,887	5,887
Surplus/(deficit) for the year	–	–
Balance at 30 June 2020	5,887	5,887

Statement of cash flows for the year ended 30 June 2020

	Note	2020 \$	2019 \$
Cash from operating activities			
Receipts from customers		163,590	289,913
Payments to Monash Uni Law Faculty & suppliers		(177,653)	(298,139)
Net cash provided by/(used in) operating activities	4(b)	(14,063)	(8,226)
Net increase/(decrease) in cash held		(14,063)	(8,226)
Cash at beginning of financial year		55,412	63,638
Cash at end of financial year	4(a)	41,349	55,412

The accompanying notes form part of these financial reports

MONASH LAW CLINICS INC.
2019 – 2020 Financial Report

Notes to the financial statements for the year ended 30 June 2020

1. Statement of significant accounting policies

This financial report is a special purpose financial report prepared in order to satisfy the financial reporting requirements of the *Associations Incorporation Reform Act 2012* (Victoria). The committee has determined that the association is not a reporting entity.

These financial statements have been prepared in accordance with following Australian Accounting Standards:

AASB 101	Presentation of Financial Statements
AASB 107	Statement of Cash Flows
AASB 108	Accounting Policies, Changes in Accounting Estimates and Errors
AASB 1031	Materiality
AASB 1048	Interpretation of Standards
AASB 1054	Australian Additional Disclosures

The financial statements have been prepared on an accrual basis and are based on historical cost and do not take into account changing money values except where specifically stated.

The accounting policies set out below have been applied consistently to all periods presented in these financial statements.

a) Income tax

The association is a not-for-profit organisation and is exempt from income tax under section 50-45 of the *Income Tax Assessment Act 1997*.

b) Cash and cash equivalents

Cash and cash equivalents includes cash on hand, deposits held at call with banks, other short-term highly liquid investments with original maturities cash within three months.

c) Income

Income is measured at the fair value of the consideration received or receivable. Donation income is recognised when the entity obtains control over the funds, which is generally at the time of receipt.

d) Goods and services tax (GST)

Income, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). In these circumstances the GST is recognised as part of the cost of acquisition of an asset or as part of an item of expense. Receivables and payables are stated inclusive of GST.

e) Trade & other payables

Trade and other payables represent the liability outstanding at the end of the reporting period for goods and services received by the association during the reporting period, which remain unpaid. The balance is recognised as a current liability with the amounts normally paid within 30 days on recognition of the liability.

MONASH LAW CLINICS INC.
2019 – 2020 Financial Report

Notes to the financial statements for the year ended 30 June 2019 cont.

	2020	2019
	\$	\$
2. Trade & other payables		
Trade payables	–	–
GST payable	10,392	138
	10,392	138
3. Advance Grants		
Victoria Legal Aid – Commonwealth & State Funds	152,166	43,090
Monash Uni – external support for Clinical Education Program (CEP)	240	240
PLEA – fundraising	6,364	6,364
	158,770	49,694
4. Cash flow information		
(a) Reconciliation of cash		
Cash on hand	41,349	55,412
(b) Reconciliation of cash flow from operations with net profit		
Profit/loss from ordinary activities	–	–
Changes in assets & liabilities		
Increase/decrease in trade creditors & other assets	(133,392)	(323)
Increase/decrease in trade creditor & accrued liabilities	119,329	(7,903)
Cash flows from operations	(14,063)	(8,226)



MONASH
University

MONASH
LAW
CLINICS

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A regular guest at Monash Law Clinics (Clayton), the Glossy Black Cockatoo.