



Queensland Association of
Independent Legal Services Inc

caxton
legal centre inc



EDO Qld.
Environmental Defenders Office
*Using the law to protect
our environment.*



**PRISONERS' LEGAL
SERVICE INC**

**Queensland
Advocacy
Incorporated**



14 November 2013

Dr John Montgomery
Secretary
Vice-Chancellor's Review of the School of Law
By email: john.montgomery@uq.edu.au

Dear Dr Montgomery,

UQ Law School and community legal centres

We welcome the opportunity to provide this information to the Vice-Chancellor's Review of the School of Law (the **Review**). We represent a number of community organisations that work closely with the TC Beirne School of Law (the **School**), and particularly the UQ Pro Bono Centre, in its delivery of students' clinical legal education.

About us

Queensland Association of Independent Legal Services Inc (**QAILS**) is the peak body representing funded and unfunded community legal centres (**CLCs**) across Queensland. CLCs are independently operating not-for-profit, community-based organisations that provide free legal services to the public, focusing on the needs of people experiencing disadvantage and marginalisation. QAILS leads and supports 33 CLCs, including organisations that partner with the School to deliver student clinic programs, including:

- **Caxton Legal Centre Inc**, an independent, non-profit community organisation providing free legal advice, social work services, information and referrals for the general public. Caxton Legal Centre has expertise in a range of areas of law including credit and debt, neighbourhood law, incorporated associations, employment law, discrimination, insurance, family law, domestic violence and guardianship law.
- **Refugee and Immigration Legal Service**, an independent not-for-profit community legal centre specialising in refugee and immigration law. It provides free legal advice and assistance to disadvantaged people. RAILS provides legal help to people who have cases before the Department of Immigration, Migration Review Tribunal, Refugee Review Tribunal and sometimes take cases of public interest to the courts.
- **Environmental Defenders Office (Qld)**, a community legal centre that specialises in public interest environmental law in Queensland. The primary goal of the EDO Qld is to protect and enhance the environment in the public interest through the use of the law, by and on behalf of the community. Through its law reform activities EDO Qld focuses on ways to strengthen rights of public participation and, institutionalize the principles of ecological sustainable development in environmental and natural resource decision making.
- **Prisoners' Legal Service**, a community legal centre which offers free legal advice, information, assistance, and referrals to Queensland prisoners and their families on matters relating to their imprisonment. The service is provided throughout Queensland.
- **Queensland Advocacy Inc**, an independent, community-based systems and legal advocacy organisation for people with disability in Queensland. QAI does this by engaging in systems advocacy work - through campaigns directed to attitudinal, law and policy change, and by supporting the development of a range of advocacy initiatives in this State. QAI also provides

individual legal advocacy in support of persons whose disability is at the centre of their legal issue.

The Queensland Public Interest Law Clearing House (**QPILCH**), an independent not-for-profit, community based legal organisation that coordinates the provision of pro bono legal services in Queensland, is also a QAILS member that partners with the School to deliver clinical legal education programs. QPILCH has submitted a separate response to the Review.

CLCs and clinical legal education

The *Guide to Best Practice in Clinical Legal Education* published by Adrian Evans, Anna Cody, Anna Copeland, Jeff Giddings, Mary-Anne Noone and Simon Rice in September last year (the **CLE Guide**) provides a nationally recognised benchmark for best practice in clinical legal education. According to the CLE Guide's definitions of clinic models, the School's current approach to clinical legal education is best described as an 'externship' model in which law students are placed in a CLC and receive instruction from CLC lawyers. Under this model, assessment is conducted by UQ academics with input from CLC lawyers. Professor Jeff Giddings has described this as part of a new trend in clinical legal education:

Law schools are no longer developing clinical programs through establishing their own clinic site. Rather, clinics are being grafted on to existing community and government agencies.¹

According to Stuckey et al, externships enable students to develop their 'understanding of professional values and commitment to those values, including seeking justice, fostering respect for the rule of law, and dealing sensitively with diverse clients and colleagues.'² Of course, the fact that externships are cheaper – or at least, no more expensive³ – than in-house clinical programs may partly explain this trend, at a time when enterprises are increasingly 'outsourcing' their work to achieve savings.

Increasing CLCs' capacity

As community-based organisations that are generally committed to a community engagement approach to service planning and delivery, CLCs' work is informed by the local communities they serve or the client group they aim to assist. Community legal centres consult and involve their communities in operations and management. This connection to community allows community legal centres to be responsive and sensitive to the needs of their client groups and to respond flexibly to changes in these needs.

The benefits to the legal assistance sector in having students assist with our pro bono work include:

- Greater time for lawyers to focus on core casework as they are able to utilise law students to undertake preparatory work such as case law research, literature reviews, comparative jurisdictional analysis etc.
- CLCs and other organisations can attend to a greater amount of policy and law reform by utilising student volunteers to assist with background research and initial drafts.

Partnering with UQ to deliver clinical legal education and pro bono activities positively impacts on CLCs' ability to service greater clients in the areas of law in which we specialise. Students and volunteers increase the capacity of community legal centres to provide much-needed direct legal service delivery, community legal education and law reform advocacy. In June 2012, the National Association of Community Legal Centres, our national peak organisation, conducted a survey of community legal centres around Australia on the use of volunteers and pro bono services. Of the 106

¹ Jeff Giddings, 'Contemplating the Future of Clinical Legal Education' (2008) 17(1) *Griffith Law Review* 1, 3.

² Roy Stuckey and Others, *Best Practices for Legal Education: A Vision and a Road Map* (Clinical Legal Education Association 2007) 208.

³ Peter Joy 'The cost of clinical legal education' (2012) 32(2) *Boston College Journal of Law and Social Justice* 309, 321-3; see also James H Blackman and Jana B Eliason, 'The Student-Friendly Model: Creating Cost-Effective Externship Programs' (2012) 28(4) *Touro Law Review* 1339.

community legal centres who responded, 95.2% utilised volunteers, and in these centres alone, 3637 volunteers contributed 8369 hours of work per week.

Increasing quality of student outcomes

CLCs believe that law schools 'have an important role to play in ensuring that graduates are equipped with a broader range of attributes than pure legal knowledge'.⁴ Law schools should integrate a skills program that facilitates job readiness and, in our view, a commitment to lifelong professional service. The clinical legal education program, and other excellent initiatives of the UQ Pro Bono Centre, achieve these objectives.

People working in CLCs are passionate advocates for social change, and work every day to improve the social, economic and other circumstances of their clients and communities. We support the precepts of the 'liberal legal education', as Burrridge and Webb describe it, to prepare 'good citizens' or 'better persons' rather than (simply) good lawyers.⁵ As Simon Rice writes:

a legal centre will introduce to students, not for the first time in their studies, but in the most intense fashion, the need to learn law critically, to see a lawyer's role in an inherently conservative system and to analyse it.⁶

In our work with supervising legal clinics and other initiatives of the UQ Pro Bono Centre, we see the profound impact that these programs have on students, as they begin to understand the ways that abstract legal concepts can impact on the lives of marginalised or disadvantaged people. Working closely with CLCs, students are able to apply their theoretical knowledge to real – and often confronting – situations, making them more 'job ready' at the conclusion of their degree, increasing their engagement in their studies, and contributing to their professional and personal development.

CLC workers are excellent lawyers and zealous advocates; that doesn't necessarily make us great teachers.⁷ Any expansion to the School's clinical legal education program should ensure that CLC supervisors receive training and support to ensure students get the best results from their clinical legal education placements with our organisations,⁸ and we commend the UQ Pro Bono Centre for partnering with UQ's Teaching Educational and Development Institute (**TEDI**) to offer training to clinical supervisors in February 2014.

Sustainable resourcing

The CLE Guide also proposes some minimum administrative and organizational infrastructure to ensure adequate supervision and performance of students. CLCs' resources are, without question, far less than what universities can provide. In increasing and improving the School's CLE partnerships with CLCs, we encourage the school to consider the needs of those organisations for administrative support, access to IT and databases, access to insurance and other risk management tools, and to engage in a meaningful partnership to ensure the organization is resourced and supported to provide an excellent learning environment. A financial payment to the CLC by the School is important for the sustainability of the CLC partnership program as it helps to offset the costs of housing and supervising students.

⁴ Margaret Castles and Anne Hewitt, 'Can a law school help develop skilled legal professionals? Situational learning to the rescue' (2011) *Alternative Law Journal* 36:2 at 91.

⁵ Roger Burrridge and Julian Webb, 'The Values of Common Law Legal Education: Rethinking Rules, Responsibilities, Relationships, and Roles in the Law School' (2007) 10 *Legal Ethics* 72, 74. Cf Praveen Kosuri, 'Losing my religion: The place of social justice in clinical legal education' (2012) 32(2) *Boston College Journal of Law and Social Justice* 331, which argues that 'social justice should not be presumed, but rather should be an option – among many – to include in a clinic's pedagogy'.

⁶ Simon Rice and Graeme Coss, *A Guide to Implementing Clinical Teaching Method in the Law School Curriculum* (1996, Centre for Legal Education, Sydney) 52.

⁷ See Cynthia Baker and Robert Lancaster, 'Under pressure: Rethinking externships in a bleak economy' (2010) 17(1) *Clinical Law Review* 71,

⁸ See Barbara A Blanco and Sande L Buhai, 'Externship field supervision: Effective techniques for training supervisors and students' (2004) 10(2) *Clinical Law Review* 611.

Strengthening relationships with the profession

Our partnerships allow UQ law students to see career paths that focus on increasing access to justice and achieving social justice. By strengthening the School's relationships with legal assistance services, the UQ Pro Bono Centre and its programs do strengthen the School's relationships with CLCs and other legal professionals. Through formal involvement in the UQ Pro Bono Centre's advisory group and other mechanisms, the School has developed strong relationships with CLCs. We would encourage the review to consider other ways to ensure that the School builds and maintains relationships with CLCs, beyond CLE partnerships, as an important part of the legal profession.

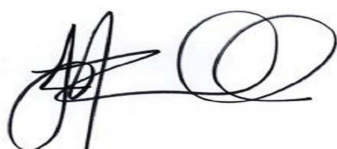
Conclusion

The UQ Pro Bono Centre is an innovative and effective program that strengthens the work of CLCs and our capacity to provide support and assistance to Queenslanders, while producing graduates with outstanding practical skills that understand the importance of contributing to their communities.

We encourage this Review to identify the strengths of UQ's existing clinical legal education program, and to expand it to ensure that every student has the opportunity to participate in a clinical experience. CLCs look forward to partnering with the School to deliver these opportunities, with appropriate resourcing and support.

Please contact James Farrell, QAILS Director, on (07) 3392 0092 or director@qails.org.au if you would like to discuss our views.

Yours sincerely



James Farrell

Director
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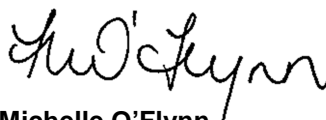
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