

***Programas clínicos en centros  
jurídicos comunitarios,  
el enfoque australiano.***

***Clinical programs in community  
legal centres, the Australian approach<sup>1</sup>.***

1

**Anna Cody**

Director Kingsford Legal Centre  
Associate Professor of the University of New South Wales.  
Kensington, Australia. Email: [acody@unsw.edu.au](mailto:acody@unsw.edu.au)

**Resumen**

Este artículo ha analizado las ventajas de impartir cursos basados en la metodología jurídica clínica en un entorno como los centros jurídicos comunitarios. Estos cursos aportan a los estudiantes que trabajan con clientes en situación de desfavorecimiento o marginalidad, la oportunidad de observar las limitaciones de la ley a la hora de afrontar muchos problemas legales. Las Clínicas ubicadas en centros jurídicos comunitarios también enseñan la importancia de un enfoque de resolución de problemas a las complejas situaciones experimentadas por las comunidades en desventaja y la importancia del trabajo en equipo a la hora de hacerles frente. Las Clínicas en centros jurídicos comunitarios son idóneas asimismo para enseñar a los estudiantes cómo ejercer la abogacía de forma eficaz para las comunidades desfavorecidas enseñándoles habilidades específicas de reforma legislativa. Hay sin embargo desafíos sustanciales en la impartición de cursos clínicos en centros jurídicos comunitarios.

**Palabras clave**

Formación jurídica clínica; centros jurídicos comunitarios; dificultades.

<sup>1</sup> This article is drawn from a paper presented at the 10<sup>th</sup> bi-annual Australian clinical legal education conference, July 2009 and Conference of the International Journal of Clinical legal education.

## **Abstract**

This article argues that clinical programs situated within community legal centres can provide students with a rich learning experience. Drawing on a range of clinical course models, this article looks at the benefits of running clinics in community legal centres, including the opportunity for students to gain exposure to disadvantaged clients, engage in critical analysis of the legal system and the role of lawyers within it, and to develop skills in complex legal problem solving, collaborative team work, and law reform. Then, the limitations and challenges faced by combining clinical teaching with community legal centres are canvassed, including the skills demanded of students in work at community legal centres, such as high level emotional intelligence and casework skills, and the difficulties in doing effective law reform work. More specifically, the difficulty in balancing the urgency posed by individual client matters and the competing priority of addressing structural deficiencies in the law is discussed. The article posits that while clinics in community legal centres often struggle to achieve this balance, this should not preclude clinics from being based at community legal centres, but should rather be utilised as a basis for analysis of legal practice by students. The article concludes that while clinics situated in community legal centres face numerous challenges, the benefits of exposing students to community lawyering outweighs these limitations.

## **Key words**

Clinical legal program; law reform; legal education; law clinics; community legal centre.

***Programas clínicos en centros  
jurídicos comunitarios,  
el enfoque australiano.***

***Clinical programs in community  
legal centres, the Australian approach<sup>2</sup>.***

**Anna Cody**

Director Kingsford Legal Centre  
Associate Professor of the University of New South Wales.  
Kensington, Australia. Email: [acody@unsw.edu.au](mailto:acody@unsw.edu.au)

Universities choose the types of clinical programs they want to develop and through which they will teach students. In this article I argue that legal clinics situated within a community legal centre can provide a rich learning experience to students through their individual client work, their problem solving approach and collaborative team work approach, their law reform work<sup>3</sup>, and the renewed belief they can provide students of the potential for law to achieve social change. But there are also challenges of teaching a clinical course within a community legal centre. Community legal centres, may need to look at how they can improve their law reform practice in order to be able to model for their students how to work on an individual and systemic level simultaneously. Additionally, they frequently advise clients with intensely difficult issues in their lives which the legal system may or may not be able to resolve. This can demand unrealistic levels of emotional intelligence and skill from relatively inexperienced students. Further more because of the diversity of work done in community legal centres: legal advice and casework, community legal education, legal referral and law reform work, students must develop skills in a range of areas in a short timeframe which is also challenging for students. This article discusses some of the benefits of situating legal clinics in community legal centres, based largely on the experience of Kingsford Legal Centre, a community legal centre which runs numerous clinical courses for the Faculty of Law of the University of New South Wales, Australia. The first part discusses the range of models of clinical courses and their aims and objectives. The second part discusses the benefits of running clinical courses in community legal centres, and the

---

<sup>2</sup> This article is drawn from a paper presented at the 10<sup>th</sup> bi-annual Australian clinical legal education conference, July 2009 and Conference of the International Journal of Clinical legal education.

<sup>3</sup> Giddings (Giddings 2003, 28) refers to the importance of clinicians emphasising “the need to take a broad approach to their work, an approach that goes well beyond a focus on legal skills development and concentrates on social justice issues.”

third part discusses some of the challenges of combining clinical teaching with community legal centres.

Community legal centres began in the 1970s arising out of specific local communities in areas of Australia (Noone, 2001). They developed after each State and Territory had developed its own legal aid service. The government-funded legal aid services have traditionally provided individual advice and casework in predominantly criminal and family law. Some services also provide advice in civil law. Community legal centres in contrast focus on areas of civil law: credit and debt, victims compensation, discrimination, family law, employment law. They are run by management committees drawn from the community itself and have strong connections to their local community. Traditionally they work in a multidisciplinary way with lawyers, community educators, welfare workers and law reform specialists employed within them. Their three main ways of working are through: legal advice and casework, community legal education and law reform<sup>4</sup>. This article refers to the style of lawyering which occurs in community legal centres as community lawyering. This can be defined to mean: lawyering for both individuals and communities, aware of how power may influence the relationships between lawyer and client and responsive to the needs of communities. Community lawyering seeks to improve the daily lives of community members.

Clinical courses have varying aims and objectives, such as to teach ethics to students, to teach specific skills or to provide a different substantive area of law experience such as environmental law. They teach students to critique the law, the legal system and their role within it. This article defines 'clinic' broadly to mean a structured course which teaches law students through engagement with 'real life' experiences. Clinics combine theory with practice, and require students to represent clients or assume other professional responsibilities under supervision and analyse this experience of themselves, the law and the legal process. There is a range of clinical legal education programs in the United Kingdom, USA and some in Australia which focus on students working with clients, learning legal file management and other legal skills. Others also teach students to question the role of law, the legal system and lawyers in achieving an equitable and fair society.

### **Part 1. Should clinics be situated in explicit 'justice' settings?**

Generally, the model for development of clinical programs reflects the differing legal and social needs and resources within the context of the countries in which they are developed.<sup>5</sup> Many working in clinics in the USA argue that clinics there should also focus on improving the 'quality of justice in American society' (Dubin, 1998, 1474) and they 'abhor clinical training that is morally and jurisprudentially neutral' (Freamon 1992, 1230) Dubin describes in detail the re-design of the St Mary's Law Faculty clinical

<sup>4</sup> "Centres work towards achieving systemic change through community legal education, and through law and policy reform." Community Legal Centres NSW. *Community Legal Centres in NSW*. Retrieved from <http://www.clcsnsw.org.au>

<sup>5</sup> Those working in social justice focused clinics in developed countries refer to the huge unmet legal needs of the disadvantaged as a rationale for clinics focusing on providing services to the 'indigent.(meetings between the author and clinic staff of clinics (ITAM) in Mexico and (CELS) Argentina 2008, see further below)

programs to re-orient them to the overwhelming needs of disadvantaged communities and clients in their area. (Dubin 1998, 1483). In developing countries the huge need for free legal advice and representation for poor and disadvantaged people tends to dominate the model chosen for clinical programs. In many clinics in developing countries the demand for free legal services requires clinical teaching and community legal clinics to go hand in hand. Clinics in Mexico, Argentina, China, South Africa are integrally linked to attempts to assert the rights of Indigenous peoples, poor people or marginalized workers.<sup>6</sup> Frequently they will represent individuals and have found innovative ways through community organising approaches to meet community needs (Dickson 2003, 20).

Thus while not all clinical programs will have as their goals, teaching students to think critically about the law from disadvantaged clients' perspectives and learning skills to make the law fairer, it appears that clinics in developing countries almost always have these as teaching goals.

In the developed world clinics are not always linked to a justice agenda but in developing countries they almost always are. For example, Griffith University has an alternative dispute resolution clinic which teaches students about dispute resolution through mediations at the Queensland Department of Justice and Attorney General<sup>7</sup>. Northumbria University in England teaches a clinic focusing on client casework skills<sup>8</sup>. They do not have as a part of their explicit course goals, teaching students to think critically about the law from disadvantaged clients' perspectives although learning mediation skills arguably increases access to justice for many. These courses have other legitimate course goals. Some clinics will focus on specific skill development or a specific area of law and for these they may not include a 'justice' focus in their teaching.

This article argues that in Australia, the model of combining clinics with community legal centres is an effective model if some of the course objectives are:

- To think critically about the law/ legal system and the role of the lawyer from the perspectives of disadvantaged clients and/or
- Develop skills (law reform, casework and community education) to change the law to make it fairer for disadvantaged clients and communities and/or
- Work collaboratively in teams
- Complex problem solving
- Assist students make the connection between law and justice

There are however real challenges and difficulties in teaching in a community legal centre environment which this article analyses in its third section.

<sup>6</sup> Clinics at the Instituto Tecnológico Autónomo de México (ITAM) are currently running litigation around the rights of Indigenous communities to claim intellectual property for making specific types of tequila as a form of livelihood for these poor communities. The clinic at Centro de Estudios Legales (CELS) Argentina has run community organising projects in water basin clean up for the Buenos Aires city and test case litigation for enforcing economic and social rights. (Visit by the author to these clinics in 2008)

<sup>7</sup> "The purposes of the course include enabling students to better understand the use of various forms of alternative dispute resolution in legal processes". (Griffith University. *Clinical Program*. Retrieved from <http://www.griffith.edu.au/criminology-law/griffith-law-school/programs-courses/clinical-program>; Kingsford Legal Centre (2008) *Guide to Australian Clinical Legal Education programs*)

<sup>8</sup> <http://www.northumbria.ac.uk/sd/academic/law/> (Last accessed on 1/6/2011)

## Part 2. Thinking critically about the law, the legal system and the lawyer's role within it.

Law in its various forms is never neutral and it will always be taught in some context, with a range of power relations and some groups being benefitted, and others not. Legal skills also cannot be taught neutrally, value free (Dickson 2003; Brodie 2009). But there is a distinction between exposing students to practical legal experiences in a social, economic, gendered, cultural context, which happens in any legal setting *and* teaching students *how* law helps achieve, or doesn't, an equal and fair society.

One of the explicit aims of CLCs is to critique the law and legal system and take steps to improve them. It was to fill this gap in legal services that CLCs were created in the 1970s and 1980s. As Gary Bellow said 'social vision is part of the operating ethos of self-conscious law practice. The fact that most law practice is not done self-consciously is simply a function of the degree to which most law practice serves the status quo. Self-conscious practice appears to be less important, and is always less destabilizing, when it serves what is, rather than what ought to be.' (Bellow 1996, 301) Community Legal Centre lawyers due to their historical and current critique of the legal system, are frequently aware of their own role within it and the limitations of it. Debriefs with students after seeing clients are a common way in which students and clinical supervisors discuss the role of lawyers and how they can empower or disempower clients in complex ways. At KLC there is a formal presentation at the end of semester which assesses students' ability to critique some aspect of their legal work, drawing on what they have done and observed their supervisors doing. They are asked to question whether the law, legal system they have seen in operation is fair, or how it replicates existing injustice.<sup>9</sup>

Community legal centre clinical supervisors teach critical analysis and emotional intelligence skills, through clinical supervisors' and students' individual client work. Supervisors teach and model for students, client interviewing, including how to relate to clients and whether they show an empathy and understanding of them. As Lucie White (White 1990) discusses, lawyers may be able to plan the best tactics in a court hearing but do they understand why buying new shoes might be the biggest priority for a client? White discusses in detail, the need for community lawyers to empathise with clients and attempt to see the world from their perspectives. Planning litigation strategy without really seeing the issue from the client's perspective will ultimately mean that the litigation is likely to come undone. Ideally, community legal centre lawyering demonstrates to students that they should be able to see a client's issue from the client's perspective.

Some of the questions asked in a community legal centre clinic are: Do lawyers/educators work within an empowerment model, and make some attempt to understand how a client's gender, cultural background or disability influences their lives? Do lawyers/educators treat clients as their equal, with dignity? How does this

<sup>9</sup> Kingsford Legal Centre, *Course outline: Clinical legal experience*. Retrieved from <http://www.handbook.unsw.edu.au/undergraduate/courses/2012/LAWS3303.html> (Last accessed on 28/10/2011)

play out in the legal work they do for/with their clients? Do clinical supervisors interrogate their own identities (Ong Hing 1993) to become conscious of how these influence their legal work? Clinicians have written of the influence of lawyers' and students' complex identities and how these may impact on the student to client relationship (Ong Hing 1993; Zuni Cruz 2006). Race, gender, class, disability or sexuality may all influence how the communication flows between client and student or clinical supervisor. Clinical staff in community legal centre clinics focus on structuring their interviewing process to ameliorate the impact of power in interviewing (Evans 2005, Lauchland & Le Brun 1996). At a community legal centre clinic, an interview with a client is never over when the client leaves the office. The teaching will then involve a process of the lecturer/clinical supervisor and student analysing the interactions with the client, asking whether the client got what they expected, whether the law is adequate in achieving the client's goals, whether sufficient referrals to non legal services were made, how the student felt the interview went and what worked and didn't in the interview process.

Working with clients who are disadvantaged makes it easy for clinics to teach critical analysis from disadvantaged clients' perspectives as the clients teach the students for them; all the clinical teacher needs to do is guide them to see what is in front of them and make the link between law and the legal system and each individual client. 'A person's relationship to the law cannot be separated from the socio-economic circumstances of their lives' (Rich 2009, 53). As clinics see large numbers of poor people struggling with a range of legal issues mostly related in some way to their disadvantage, students are exposed to the all-pervasive but generally not benign way the law impacts on these clients' lives. It is hard for community clinical students to finish their clinical studies without some views on whether law is 'fair' for disadvantaged clients (Tranter, 2006). Some would argue that to be an 'ethical' lawyer, lawyers should be questioning whether law achieves justice<sup>10</sup>. Some have argued that clinics achieve social justice by 'facilitating transformative experiential opportunities for exploring the meaning of justice and developing a personal sense of justice, through exposure to the impact of the legal system on subordinated persons and groups and through the deconstruction of power and privilege in the law.'<sup>11</sup> Arguably this can be achieved when a clinic is operating in a community legal centre environment.

Brodie discussed the importance of little cases in the broader movement and the ways in which neighbourhood community law centres play a vital role in showing students some of the issues which poor people face and providing a range of ways in which they can work in this area in the future (Brodie 2009). She discusses how individual client cases can demonstrate poor peoples 'problems that are the product of poverty, and are common to all poor people' (Wexter 1953, 1970 in Brodie 2009, 343) rather than individualised personal legal problems.

---

<sup>10</sup> Many argue that ethical duties extend beyond the strict legal practitioner rules and to involve an 'ethic of care' and concepts of 'justice'. See Bartlett, Mortensen & Tranter 2011; Evans 2010; Parker & Evans 2007.

<sup>11</sup> Dubin (Dubin 1998, 1477) quotes Barnhizer and makes the distinction between each student needing to develop their own reflective system of justice, not just adopt their clinical supervisor's vision of justice.

### **Complex legal problem solving**

Clinical legal education as a methodology teaches complex legal problem solving very effectively (Quigley 1995). This is particularly so when clinics run in community legal centres. Disadvantaged clients in CLCs have complex legal and other problems. In adult learning theory law students (adults) are viewed as self directing learners, as distinct from child learners. Adults 'approach learning with a "problem-centred" frame of mind' (Quigley 1995, 45). Community legal centre clinics with their range of clients with immediate legal problems requiring solution, present ideal opportunities for law students as adult learners to develop. They can use their experience and develop their problem-centred frame of mind as clients present with multi faceted issues in their lives. Disadvantaged clients rarely have just a legal problem or even just one issue to deal with. They require a multi-disciplinary approach which teaches complex problem solving to students through individual client work.

### **Collaborative team work**

Another advantage that a community legal centre clinic provides is exposure to a collaborative, team based approach to problem solving. Because students enrol in relatively small numbers in clinics, on any one day there are between 5 and 12 students at a clinic. This means that working at a Centre requires students to work cooperatively and collaboratively. For example, to respond to client inquiries at the counter or on the phone, students are encouraged to discuss situations together and come up with solutions to work out who to refer a client to for help, or whether the Centre should advise someone immediately. Law reform projects, case files and community legal education projects are often structured requiring collaborative work. Class plans also rely on small group work. More than lecture style learning, clinic learning emphasises the importance of working as a team and the value of each team member's contribution. Peer to peer learning is structured into clinics as is teamwork. In contrast to individual class room legal study and a commercial practice model in which law students may compete against other law students, or lawyers against lawyers, the clinic experience in a community legal centre demonstrates what can be achieved working collaboratively. The clinical teacher in this setting is only one source of teaching, but there are multiple other sources.

### **Teaching both the importance of law reform/community mobilizing in community legal centres and how to do it**

Some writers discuss the model of community lawyering which 'envisions communities and not merely individuals as vital in problem-solving for poor people, and that is committed to partnerships between lawyers, clients, and communities as a means of transcending individualised claims and achieving structural change.' (Ahmad 2007, 1079)

Community legal centres have as one of the three facets of their work, law reform work which can include campaigns, test case litigation, submission writing, community education. Teaching law students some of these skills are invaluable for teaching students about how law and justice connect.

Ashar from City University of New York critiques what he considers is an 'individualised version of social justice' (Ashar 2008). He categorises this type of clinical legal education into two categories: skills based and client-centred. Neither of these, he argues, are engaged with the broader question of how this client-work assists in the collective mobilisation of communities. He argues that a client-centred approach to clinical education individualises clients and that the inherent skills' focus of such an approach trains lawyers who are equally adept at being social justice lawyers or commercial lawyers by focusing on the transportability of skills. While this may be what a Faculty of Law wants to achieve, this may not be what clinical educators see as the ideal goal. In Australia arguably the majority of existing clinical programs also have the goal of developing students' critical analytical skills within the context of working with disadvantaged clients and communities. Many clinics want to foster students' ability to identify shortcomings in the law and legal system, from the perspective of marginalised communities and to develop effective strategies to address these such as law reform initiatives and campaigns<sup>12</sup>.

Ashar's critiques of clinics that focus on 'individualising clients' are valid to some degree but he simplistically categorises the options as *either* collective lawyering *or* individual lawyering. A clinic that focussed only on individual client work would be atomistic and limited in its ability to look at systemic problems. But a clinic can do *both* individual work as well as community based law reform work to effectively achieve social justice goals while also teaching students the role of both. It is possible to use a client's specific legal problem to demonstrate practical legal skills to resolve the problem, while also getting the student to analyse broader issues arising from the problem. This will then inform their views of the law and legal system and what possible changes need to occur to benefit disadvantaged client groups. At the same time they will also learn skills such as plain English drafting and effective interviewing.

Furthermore, while collective mobilization may be a more appropriate model to achieve social justice for some, it may not in fact work for all. For example, if the only value is 'collective mobilisation' then some women in situations of domestic violence would be excluded from assistance.

The philosophy underlying the community legal centre model connects individual legal services with organising and community development activities to promote law reform and social justice. Students engaged in a community legal centre clinic see systemic causes of injustice and the role of law in this while also engaged in individual lawyering.

In an article on the intersection between clinical law and the value in undertaking client-centred law reform in providing a voice for clients' experiences, Curran discusses the model used at Latrobe University's clinical program at West Heidelberg community legal centre. In addition to doing individual client work students are also required to

---

<sup>12</sup> Southern Communities Advocacy Legal and Education Service (SCALES) (Murdoch University) Springvale Monash Legal Service (Monash University), West Heidelberg Community Legal Service (La Trobe University). See Kingsford Legal Centre (2011) *Clinical Legal Education Guide 2011-2012*.

engage in law reform projects which deal with systemic issues in client communities. Some of the projects which students have engaged in include: a student report outlining problems that victims of domestic violence in the area faced which resulted in a new family violence court being established locally; a report on mobile phone debt and young people which was covered extensively in the media. This demonstrates how a clinic in a community legal centre can involve students in structural problems as framed by client communities of the Centre (Curran 2007, 119).

The 2009 Australian National Human Rights consultation, asking whether Australia should have a Charter of Rights, provides a further example of how students can be engaged in law reform activities. Kingsford Legal Centre, a CLC and teaching clinic ran a stall, with the involvement of students, at the annual Indigenous Survival Day event and gathered over 130 submissions from Indigenous people about human rights issues affecting them. Students also ran community stalls and workshops for the Russian speaking community, for young people, people with intellectual disability, family services and older people's groups. Two students helped an NGO working with people with intellectual disability to draft their own submission. Students engaged in current, highly political processes, educating and facilitating the communities' engagement with a larger process, the human rights consultation. Through this, students could make the connection between individual experiences of legal problems and a larger legal issue; the lack of adequate human rights protection in law.

### **Students make the connection between law and 'justice' through community clinical work**

In December 2007 Kingsford Legal Centre wanted to learn more about what ex students thought of their clinical experience, why they had done clinical subjects and how those subjects had influenced them<sup>13</sup>. The Centre asked alumni whether doing a course at KLC had changed the way they see law such as seeing it having the purpose of achieving social change, or delivering 'justice' or reaching out to disadvantaged people<sup>14</sup>. Some commented that 'access to justice is the driving force behind community legal centres. My experience at KLC confirmed my view that there exist real and substantial barriers for certain groups in society'. Others commented 'I chose to study law in order to achieve social change. KLC helped me to see how this could be achieved on a local scale, rather than from a more macro level which I had been exposed to in theoretical courses'. These comments highlight the interplay of individual casework and larger structural issues around access to justice and the legal system. This interconnection is common within clinics which are based in CLCs or operate out of a community lawyering framework.

### **Part 3. What are the challenges of clinical courses in CLCs?**

<sup>13</sup> Kingford Legal Centre (2007). *Survey of Kingsford Legal Centre Alumni*.

<sup>14</sup> Weber (Weber 2004) discusses the risk that if clinical programs openly have as one of their aims, the 'teaching of social justice' that this can mean that the rest of the Law Faculty can leave the teaching of social justice to clinics, rather than mainstreaming it into all areas of the curriculum.

Having discussed the benefits of running courses in community legal centres, this article will now discuss some of the limitations and challenges of clinics in community legal centres. These include:

- CLCs are very busy legal environments with many immediate and urgent client demands which make it harder to prioritise law reform work which means that CLCs don't always do or teach effective law reform and community development (Mosher 1997);
- Law reform work is slow and frequently relationship based, whereas a semester may only be 12 weeks
- Many of the legal problems faced by clients in community legal centres are complex and cover highly sensitive experiences such as domestic violence, sexual assault, torture and trauma which is difficult for students;
- As community legal centres do a range of work including casework, community education and law reform work, they require diverse skills from their employees and also from students. Teaching such a range of skills in a short time frame is difficult.

### **Balancing individual client needs with law reform priorities**

There is a general shortage of free, accessible legal services in Australia<sup>15</sup>. Because of this there is a huge demand for individual help for clients. Balancing the needs of individual clients and the broader law reform needs of a community is a perennial challenge for CLCs. Immediate client needs can tend to dominate the work of centres. It takes substantial discipline and planning to ensure that a CLC engages in ongoing and effective law reform work. Students also often prefer their individual client work and as it is so new to them, want to learn more in this area rather than how to work with communities or how to write a good law reform submission.

Many clinical teachers in community legal centres are themselves challenged in doing the law reform/community development part of their work. It is not what clinical teachers learned in law school and so teaching law students how to do law reform or community development work is particularly difficult for clinical supervisors. Lawyers generally know how to run individual cases, not campaigns, nor how to resource collective mobilizing efforts. Doing law reform work is not taught as the main aim of lawyers or as one of lawyers' ethical duties (Rand 2006).

### **Doing effective law reform work**

The use of a community organising/development framework is a challenge for all CLCs including those who are also clinics such as KLC. Currently, the tension is not so much about teaching students to work within a community organising/development model but rather ensuring that the clinic/community legal centre itself works from a community organising/development model rather than an individual casework model.

<sup>15</sup> Senate Legal and Constitutional Affairs Committee. (2009) *Access to Justice Report*. Retrieved from [http://www.aph.gov.au/senate/committee/legcon\\_ctte/access\\_to\\_justice/report/index.htm](http://www.aph.gov.au/senate/committee/legcon_ctte/access_to_justice/report/index.htm) (Last accessed 15 November 2011).

How community legal centres and the clinics based in them resist long standing models of lawyering which emphasise the individual case continues as an ongoing concern in community clinical programs. KLC tries to model the kind of work it believes a community clinic should be doing. However, this is not always easy. Clinical supervisors don't know how to engage in the ill defined work that is involved in community building whereas individual legal cases have a clearly defined legal processes to go through. The immediacy, and tangible and measurable goals of an individual person through individual casework make it much easier to engage in than longer term, less tangible community lawyering work. 'Identifying and managing effective community projects and collaborations can be complicated and time consuming, and even more so when that work must be balanced with different clinical activities' (Seielstad 2002, 494).

In the most recent Australian Commonwealth review of community legal centres the integral nature of community legal education and law reform to community legal centres was recognized by all stakeholder input. The National Association of Community Legal Centres ("NACLC") submitted:

Law reform is a key element of the community legal centre service delivery model. It is an effective and efficient way to address the systemic problems facing some clients, complementing the important face to face individual client work. Law reform work can deliver far-reaching outcomes for clients, resulting in improvements to laws, policies and practices.<sup>16</sup>

CLCs' work in this area varies however. Rich discusses these issues in her report 'Reclaiming Community Legal Centres'. In it she analyses the nature of most of the law reform work those in CLCs do and when paired with clinical programs, teach. It is ad-hoc, reactive, unplanned and not strategic (Rich 2009, 81). This is a valid criticism and CLCs need to devote more time and resources to addressing the issue if they are serious about being effective community legal centres and teaching clinics.

However no legal work, either individual client work or law reform work is ever 'perfect' and a clinical supervisor's role is to critique the range of ways a case or project can develop with a student. While recognizing the difficulties that CLCs face in doing law reform work, analyzing the challenges of doing this work also becomes good subject material for clinic analysis with students. This is similar to the ways in which individual cases are dissected from numerous angles with students. Thus while CLCs frequently are limited in their community development work and law reform work, this is no reason not to involve students in it and in the process, critique the Centre's work itself.

### **Law reform work is slow and often relationship-based**

Furthermore, a lot of the law reform work which CLCs who are clinics engage in, is longer term, slow coalition-building type of work. Introducing students, who are with the

<sup>16</sup> National Association of Community Legal Centres (2008) *Submission to the Attorney General's Review of the Commonwealth Legal Services Program*, as quoted in Federal Attorney General's Department (2008) *Review of the Commonwealth Legal Services Program*, p. 73.

Centre for 12 weeks, to this work is difficult. Sometimes the CLC doesn't want to risk the relationships it has built with the community, and chooses a permanent worker rather than a student both for the relationship, and for the skill levels of a permanent worker. For example the work in the 'Love Bites' domestic violence prevention program did not involve students. In this, three of the Centre's workers were trained in delivering a domestic violence and sexual abuse one-day prevention program to high school students in the local area. Due to the nature of the project it was not an appropriate project for student involvement due to the one-off nature of it, and also that all the other participants were skilled community workers.<sup>17</sup> In other situations where the relationship is very solid or where the nature of the work allows it, a student can be the face of the Centre and the person who bears responsibility for the project. Or in the community development projects the Centre can partner staff and student rather than just a staff member doing them on their own.

Where there is a short time frame for submissions to law reform commissions this is also difficult for students to be engaged in. The writing required for this is of a very high level which some students can engage in, others not. This means that clinics' teaching of students in law reform and community development can be patchy. Some clinical staff are more committed to it than others.

### **High level emotional intelligence skills from students**

Community legal centres take on cases in areas in which there is a need for high quality legal representation. They have a tradition of taking on sexual assault, domestic violence and refugee cases. Where a community legal centre is also a teaching clinic, it can be very demanding of relatively inexperienced students to work on files with very confronting and disturbing facts. Clinics have dealt with this in a range of ways. Some choose the more mature, experienced students to work on these types of files, others choose to make these areas of practice specialist clinics in order to emphasise the demanding nature of their subject matter.<sup>18</sup>

### **Diverse skills which students must learn when doing a community legal centre clinical course**

Another challenge is the other side of one of the strengths of the model of service in community legal centres. They aim to provide diverse responses to entrenched legal issues through community education, law reform and individual advice and casework. For students this means requiring them to develop a range of skills, not just casework skills. In a short time frame of 12-14 week semester this is an ambitious project.

<sup>17</sup> Dubin (Dubin 1998) discusses the difficulties of law reform work done by students and identifies the challenge of students maintaining responsibility for longer term law reform projects, rather than the responsibility being assumed by clinical supervisors. He believes that with adequate planning clinics can incorporate law reform projects.

<sup>18</sup> SCALES Refugee clinics (Murdoch University), Springvale Legal Service Advanced Sexual Assault clinic (Monash University). See Kingsford Legal Centre (2011) *Clinical Legal Education Guide 2011-2012*.

## Conclusion

This article has canvassed the benefits of teaching clinical legal education courses in a community legal centre setting. These include the opportunities provided to students working with disadvantaged clients, for students to observe the limitations of law in dealing with many legal problems. Clinics in community legal centres also teach the significance of a problem-solving approach to the complex issues experienced by disadvantaged communities and the importance of collaborative team work to deal with these. Legal centre clinics can also teach students HOW to lawyer effectively for disadvantaged communities by teaching them law reform skills. There are however substantial challenges with teaching clinical courses in community legal centres. These include the balancing of individual client needs with doing effective, well planned law reform work. Because community legal centres struggle to work in this model, their teaching of it to law students can also be flawed. Rather than use this as a justification not to locate clinical courses in community legal centres, this can be included in the analysis of legal practice which is good subject material for clinical critique. A further challenge which clinics in community legal centres face is the high level emotional intelligence skill required of students, and the diversity of skills which students must develop. However while these challenges are all acknowledged, the benefits of exposing students to a model of lawyering which can provide valuable insights into the connection between law and justice, justifies the combination of the two. Clinics located in community legal centres provide ample, rich material for critique and should remain a feature of the Australian clinical landscape.

## Bibliographical References

AHMAD, M. (2007). *Interpreting Communities: Lawyering Across Language Difference*. UCLA Law Review, 54, 999-1086.

ASHAR, S.M. (2008). *Law Clinics and Collective Mobilization*. Clinical Law Review, 14, 355-414.

BARTLETT, F., MORTENSEN, R. and TRANTER, K. (2011). *Alternative perspectives on lawyers and legal ethics, re-imagining the profession*. Abingdon: Taylor and Francis (Routledge).

BELLOW, G. (1996). *Steady work: A Practitioners Reflections on Political Lawyering*. Harv C.R.-C.L L Rev, 31, 297-309

BRODIE, J.M. (2009). *Little Cases on the Middle Ground: Teaching Social Justice Lawyering in Neighborhood-Based Community Lawyering Clinics*. 15 Clinical Law Review, 15, 333-385.

CODY, A. (July 2009) *Yes we can: teaching students social justice*. Paper presented at the 10<sup>th</sup> bi-annual Australian clinical legal education conference, Perth.

CODY, A. and GREEN, S. (2007). *Clinical legal education and Indigenous legal education: what's the connection?* International Journal of Clinical Legal Education, 11, 51-64.

CURRAN, L. (2004). *Responsive Law Reform Initiatives by Students on Clinical Placement at La Trobe Law*. Flinders Journal of Law Reform, 7(2), 287-301.

CURRAN, L. (2007). *University Law Clinics and their value in undertaking client-centred law reform to provide a voice for clients' experiences*. International Journal of Clinical Legal Education, 11, 105-129.

DICKSON, J. (2003). *The Role of Clinic in Linking Law and Justice. Key note address at Australian Clinical Legal Education Conference*. 11 July 2003, Caloundra Queensland. E Law. Murdoch University Electronic Journal of Law, 11(1) (Available at [www.murdoch.edu.au/elaw/issues/v11n1/dickson111nf.html](http://www.murdoch.edu.au/elaw/issues/v11n1/dickson111nf.html)).

DICKSON, J. (2003). *Teaching about Justice as well as Law*. Alternative Law Journal, 28(1), 18-21.

DUBIN, J.C. (1998). *Clinical design for social justice imperatives*. SMU Law Review, 51, 1461-1505.

EVANS, A. (2005). *A Interviewing*. in Joanna Goldsworthy and Patricia Mowad (eds) *Lawyers Practice Manual New South Wales*. The Law Book Company Limited.

EVANS, A. (2010). *Assessing Lawyers' Ethics*. New York: Cambridge University Press

EVANS, A. and HYAMS, R.L. (2008). *Independent Evaluations of Clinical Legal Education Programs-Appropriate Objectives and Processes in an Australian Setting*. Griffith Law Review, 17(1), 52-86.

FREAMON, B.K. (1992). *Blueprint for a Center for Social Justice*. Seton Hall L Rev, 22, 1225-1249.

GIBSON, F. (2009). *Paper presented to 10<sup>th</sup> bi-annual Clinical Legal Education Conference*. Perth, July 2009.

GIDDINGS, J. (2003). *Clinical Legal Education in Australia: A Historical Perspective*. International Journal of Clinical Legal Education, 3(1), 7-28.

GIDDINGS, J. (2008). *Contemplating the Future of Clinical Legal Education*. Griffith Law Review, 17, 1-26.

LAUHLAND, K.A. and LE BRUN, M.J. (1996). *Legal Interview Theory, Tactics and Techniques*. Sydney: Butterworths.

MC CRIMMON, L. (2004). *Mandating a Culture of Service: Pro Bono in the Law School Curriculum*. Legal Education Rev 1, 53-76; Legal Education Digest, 13(1), 3-14

MOSHER, J.E. (1997). *Legal Education Nemesis or Ally of Social movements*. Osgood Hall Journal, 35(3), 613-635

NOONE, M.A. (1997). 'The Activist Origins of Australian CLCs' in C. Arup & K. Laster (eds) *For the Public Good: Pro Bono and the Legal Profession in Australia*. Sydney NSW: Federation Press.

ONG HING, B. (1993). *Raising Personal Identification Issues of Class, Race, Ethnicity, Gender, Sexual Orientation, Physical disability and Age in Lawyering Courses*. Stanford Law Review, 45(6), 1807-1833.

PARKER, C. and EVANS, D. (2007). *Inside Lawyers Ethics*. Cambridge: Cambridge University Press.

QUIGLEY, F. (1995). *Seizing the disorienting moment: adult learning theory and the teaching of social justice in law school clinics*. Clinical Law Review, 2, 37-72.

RAND, S. (2006). *Teaching Law Students to Practice Social Justice: An Interdisciplinary Search for Help through Social Work's Empowerment Approach*. Clinical Law Review, 13, 459-504.

RICH, N. (2009). *Reclaiming Community Legal Centres: Maximising our potential so we can help our clients realise theirs*. Victoria Law Foundation Community Legal Centre Fellowship 2007-8 Final Report April 2009.

SANDEFUR, R.L. and SELBIN, J. (2009). *The Clinic Effect*. Clinical Law Review, 16, 57-107; New York Law School Clinical Research Institute Research Paper Series No. 09/10 # 8.

TRANTER K. (2006). *The Different side of Society, Street Practice and Australian Clinical Legal Education*. Griffith Law Review. 15(1), 1-26.

VIVIAN, A. and COPELAND A. (2007). *Human Rights as the Ordinary Work of Clinics*. AltLaw Journal Monograph. 34(1).

WEXLER, S. (1970). *Practicing Law for Poor People*. Yale Law Journal, 79, 1049-1067.

WHITE, L. (1990). *Subordination, Rhetorical Survival Skills and Sunday Shoes: Notes on the Hearing of Mrs G*. Buffalo Law Review, 38, 1-58.

WIZNER, S. (2001). *The social justice mission of clinical education: beyond skills training*. Vol 7 Clinical Law Review 7, 327-340.

ZUNI CRUZ, C. (2006). *Toward a Pedagogy and Ethic of Law/Lawyering for Indigenous Peoples*. N.D. L. Rev. 82, 863-901.

### Electronic Resources

NSW CLC's. [www.clcsnsw.org.au](http://www.clcsnsw.org.au) (Last accessed on 8/10/2011)

NORTHUMBRIA UNIVERSITY. <http://www.northumbria.ac.uk/sd/academic/law/> (Last accessed on 1/6/2011)

SENATE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE. [http://www.aph.gov.au/senate/committee/legcon\\_ctte/access\\_to\\_justice/report/index.htm](http://www.aph.gov.au/senate/committee/legcon_ctte/access_to_justice/report/index.htm) (Last accessed 15 November 2011).