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## **VISION:**

TO REDRESS IMBALANCE IN ACCESS TO JUSTICE

## **VALUES:**

PROVIDING A SAFE, RELIABLE AND ACCESSIBLE LEGAL SERVICE TO ALL AND DISPLAYING AN APPRECIATION OF THE DIVERSITY OF THE COMMUNITY

## **MISSION:**

TO PROVIDE LEGAL SERVICES TO THE SOCIO-ECONOMICALLY DISADVANTAGED MEMBERS OF THE COMMUNITY

## **OBJECTIVES:**

1. TO REDUCE THE UNMET LEGAL NEED OF THE COMMUNITY THROUGH THE PROVISION OF LEGAL SERVICES;
2. TO CONTINUE TO PROVIDE A MONASH LAW STUDENT *PRO BONO* APPEARANCE PROGRAM AT A RANGE OF COURTS;
3. TO HARNESS THE GOODWILL BY PROVIDING LEGAL EDUCATION TO THE COMMUNITY;
4. TO PROVIDE SUPERVISED PRACTICAL EXPERIENCES FOR LAW STUDENTS;
5. TO MAINTAIN EFFECTIVE MOLS ADMINISTRATION AND MANAGEMENT.

# Monash-Oakleigh Legal Service

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ABN 90 901 523 080

Reg. No. A31

60 Beddoe Avenue

Clayton VIC 3168

**Telephone:** (03) 9905 4336

**Facsimile:** (03) 9905 1113

**Office Hours:** 9am - 4.45 pm Monday - Friday

**Appointment Times:**

Monday 1.30pm - 3.00pm

6.30pm - 8.00pm

Tuesday 9.30am - 11.00am

6.30pm - 8.00pm

Thursday 2.00pm - 3.30pm

6.30pm - 8.00pm

*Appointment times are subject to change*

**Outreach Program:**

**Power Neighbourhood House Ashwood**

Monthly: Thursday afternoons

# Family Law Assistance Program

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ABN 90 901 523 080

Reg. No. A31

60 Beddoe Avenue

Clayton VIC 3168

**Telephone:** (03) 9905 4336

**Facsimile:** (03) 9905 1113

**Office Hours:** 9am - 4.45 pm Tuesday - Friday

**Appointment Times:**

Tuesday 1.45pm & 3.00pm

Wednesday 1.45pm & 3.00pm

Thursday 9.30am & 11.00am

Friday 9.30am & 11.00am

**Duty Lawyer Service, Federal Magistrates Court at Dandenong**

Monday 8.30am - end of court sitting

## **MOLS Statistics**

### **1 July 2007 to 30 June 2008**

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#### **Clients**

Total Number of Clients 2420

#### **Legal Advice**

Total Advice Activities 1406

#### **Casework**

Total Cases Open During Period (Open & New) 1434

Total Cases Closed During Period 832

#### **Non-Casework Projects**

##### **Community Legal Education**

- Legal Information Talks 4

## **MOLS Funding**

### **1 July 2007 to 30 June 2008**

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Monash-Oakleigh Legal Service Inc. gratefully acknowledges the following organisations for their funding support:

#### **Commonwealth/State Government**

Administered through Victoria Legal Aid \$154,052.00

(exclusive of GST)

(includes funding for the Family Law Assistance Program)

#### **The Pratt Foundation**

The total amount committed by the Pratt Foundation is \$500,000

(\$100,000 per year for 5 years)

For the financial year \$100,000

## ACKNOWLEDGEMENTS

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Without the support of the Law Faculty and its staff, the Legal Service could not exist. We wish to thank:

The Dean, Professor Arie Freiberg  
Faculty Manager, Mr. Gerard Shanahan  
Past Faculty Manager, Ms. Janet White  
Manager Finance & Resources, Mr. Marcus Spencer  
Finance Services Coordinator, Ms. Anna Sutjadi  
Human Resources Manager, Mrs. Elizabeth Anderson  
Human Resources Officer, Ms. Heather Beeching  
IT & Administrative Services Manager, Ms. Kathy Buxton  
Technical Services Officers, Ms. Lyn Duclos & Mr. David Rapsey  
Web Infrastructure Specialist, Mr. Gerard Couch  
Marketing & Recruitment Manager, Mr. Jamie McDonald  
Building Services Coordinator, Mr. Dario Eitienne  
Administrative Services Coordinator, Mrs. Diane O'Neill  
Administrative Secretary, Mrs. Jan Jay  
Administrative Officer Undergraduate, Mrs. Pearl Noronha  
Dr. Bronwyn Naylor, Senior Lecturer

and a number of other administrative and technical staff all provide support to us.

We wish to thank all our volunteers for their support and help.

A special thank you to:

The Pratt Foundation, for their financial assistance  
Professor Sue Campbell, locum supervisor  
Ms. Margot Brenton, locum supervisor  
Ms. Sharon Carr, locum supervisor  
Noga Mizrahi, for the artwork.

## MOLS/FLAP MEMBERS OF STAFF

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Fay Gertner	Director
Renata Alexander	PDLP/Online Supervisor
Malcolm Bennett	FLAP Supervisor
Anne Calvisi	Receptionist
Steven Castan	PDLP Online Supervisor
*Shanika Drogemuller	FLAP Administrator
Sylvia Ee	Bookkeeper
Bernard Ee	Finance Manager
Adrian Evans	Professional Practice Supervisor
*Tim Gough	FLAP Administrator
Guillaume Bailin	Volunteer Coordinator
Ross Hyams	Professional Practice Supervisor
*Randall Kune	Professional Practice Supervisor
	PDLP Supervisor
Sandra Nottle	MOLS Administrator
Rahman Saleh	PDLP/Online Supervisor
Lauren Smith	FLAP Administrator
Jennifer Yen	FLAP Administrator

\*vacated during 07/08

## MANAGEMENT COMMITTEE

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Malcolm Bennett	President
Rahman Saleh	Vice-President
Fay Gertner	Secretary/Treasurer
Sylvia Ee	Committee Member
Randall Kune	Committee Member
Sandra Nottle	Committee Member
Judy Peake	Committee Member
Juanita Ziccone	Committee Member

## PROFESSIONAL PRACTICE STUDENTS MOLS

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Maria Kostas	Tiknee Lee	Sandy Lim
Christopher Groszek	Natalie Novak	Maggie Chau
Melissa Lambrianew	Tamara Luxford	Rebecca Bowden
Stephenie Lam	Odette Richwol	Sharon Cheng
Guillaume Bailin	Daniel Gruber	Benjamin
MuscatCarla Sibbison	Peter Tziotis	Qin Luo
Sophia Siachos	Damien Simonetti	Christina Tsiakiris
Kathleen Jess	Dianne Jolley	Derya Siva
Michael Thomson	Emma Burchell	Yuan Yuan Chien
Charles Driscoll	Yuhao Gu	Jason Chew
Bronwyn Fraser	Sally Heeley	Andrew Hillier
Roopinder Dhillon	Leasa Dyason	Godwin Lo

## VOLUNTEER RECEPTIONISTS

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Philippa Briglia	*Bronwyn Finch
Zengfei He	Godwin Lo
Qin Luo	*Alison May
*Angela Phung	*Evelyn Shaw
Christina Tsiakiris	Bronwyn Fraser

## PROFESSIONAL PRACTICE STUDENTS FLAP

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Peter Darnos	Jennifer Yen
Melissa Lambrianew	Margaret Neav
Sharynn Moors	Daniel Gruber
Odette Richwol	Michelle Brown
Lauren Smith	Robyn Marmara
Philip Teo	Ashleigh Martin
Chris Twidale	Michelle Savage
Eugenia Udovic	Tanya Shroff

## FLAP PLACEMENT STUDENTS

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Catherine Cheung	Margaret Neav
Godwin Lo	Jenna Donsky
Pinar Ozberk	Annett Murray
Marianna Tassakos	Tam Vuong
Laura Fell	Slany Thai
Lucy Crook	Fiona Lau
Nicole Foster	Katherine Stavrinidis
Paige Rolfe	Katerina Axiarlis
Tra T Hoang	Dahlia Khatab
Sharon Humphries	Mario Briffa
Clementyne Rawlyk	Roopinder Dhillon
Fidelnito Teng	Leonie Clarke
Bohan Wu	Madhavi Arya
Khalid Hachem	Pamela Mitropolous
Jacqueline Haslem	Kathryn McGregor
Alexia Nguyen	Jian Yang Voon
Niraj Bhojani	Filomena Maffi
Nazem Elbardouh	Briana Goding
Greg Dempsey	Alison Ross
Han Pein Teo	Linda Xu
Sharynn Moors	Grace Jiang
Tom Sankey	Lucy Deng
Hailey Trudgen	Hannah Levy
Fidesse Phung	Hilary Molina
Rachel Chew	Jennifer Lyons
Jason Chew	Karla Lupton
Christina Caamano	Jason Locking
Christopher Dunlop	Yang Chan
Alice Kwong	Kimberly Littorin
Hannah Christensen	Aleksandar Kuraica

## FLAP PLACEMENT STUDENTS (cont.)

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Angela Phung	Ashley Hartman
Connor Burdon-Bear	Sally-Louise Kennett
Kai Li Zhu	Malene Hand
Naomi Snyder	Saba Afzal
Alison May	Lisa Praszkiar
Eugenia Brodsky	Siao-Ping Som
James Moore	Lucinda Patchett
Prasanga Siripala	Zoe Watson
Eleni Carins	

## FLAP VOLUNTEERS

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Allison Jones	Melinda Inserra
Angel Ma	Natalia Antolak-Saper
Anthony Sciuto	Nick Cerzhe
Arek Buczek	Oendrila Roy
Aviva Berzon	Qiao-Lin Cheong
Brian So	Rudolf Sebastian
Briana Goding	Sachith Fernando
Bronwyn Finch	Samantha Fernando
Caroline Tanas	Samantha Renwick
Cathy Assini	Sara Boles
Chen Yang	Sarah Austin
Chris Liakos	Sheenal Nand
Damien Bruckard	Shen Narayanasamy
Davy Chen	Shoba Kanniappan
Elise Lima	Suralini Fernando
Ellen Laskaridis	Susan Klauber

## FLAP VOLUNTEERS (cont.)

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Emma Frauman	Tam Vuong
Jin Wang	Thiloshini Herath-Schmidt
Kaja Strzalka	Vera Jonceski
Laura Fell	Vincent Nguyen
Leila Taefi	Bijin Paily
Lori Dysievick	Roopinder Dhillon
Mariam Boles	Jamie, Waduge
Mei Liu	Niro Balusundarum
Jonathon Lam	Shoba, Kanniappan
Valerie Chudnovska	Susan Klauber
Sophie Chen	Maria Kostas
Fei Su	Ellen Laskaridis
Hilary Molinia	Amber Li
David Sanders	Chris Liakos
Sarah Austin	Elise Lima
Dora Banyasz	Mei Liu
Aviva Berzon	Tamara Luxford
Susan Bird	Michel Margalit
Mariam Boles	Sophie Mariole
Sara Boles	Jacqui Massage
Damien Bruckard	Liz Morrow
Chrissy Ccamano	Sheenal Nand

## FLAP VOLUNTEERS (cont.)

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Elena Cho	Sarah Nicholson
Shanika Dragemuller	Natalie Novak
Lori Dysievick	Leah O'Brien
Laura Fell	Catherine O'Dea
Sachith Fernando	Robert Phillips
Suralini Fernando	Binay Prasad
Emma Frauman	Angelique Reineris
Margarita Fudim	Oendrilla Roy
Briana Goding	Julia Saldanha
Meagan Grose	Lynn Saldanha
Wendy Guo	Anthony Sciuto
Thiloshini Herath-Schmidt	Rudolf Sebastian
Rachelle Huynh	Jennifer Sinclair
Vera Jonceski	Brian So
Allison Jones	Kaja Strzalka
Bianca Kagan	Leila Taefi
Sui Lai Kang	Caroline Tanas
Sebastian Tanas	Jin Wang
Anna Teoludzka	Carrie Weng
Chris Twidale	Chen Yang
Tam Vuong	Dominica Yuen
Qiao-Lin Cheong	Shen Narayanasamy

# DIRECTOR'S REPORT

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## Fay Gertner

*“We learn by example and by direct experience because there are real limits to the adequacy of verbal instruction”*

Malcolm Gladwell. Author of Blink: The Power of Thinking Without Thinking 2005

Having spent time at Monash Open Day manning the “Clinical Legal Education” stand in the basement of the Law Faculty, I spent some time thinking about the students who want to study law.

The first thing that struck me was how young they all looked. But these high school students will within one or two years start their university studies somewhere – Monash or another institution.

Motivations for studying law varied – from the “I want to make a **lot of money**” to “I want to make a difference” and “my parents say I like to argue a lot and think I would make a good lawyer” or “I have always wanted to be a lawyer”.

Not all students go on to study law or even if they do they are not all likely to go on to be lawyers. Whilst the motivations and ambitions that drive a student’s desire to pursue further education and ultimately a particular profession is but one factor: but it caused me to think about what Monash Law has to offer and what might motivate students to choose to study at Monash.

Broadly speaking Monash Law enables students the opportunity to study the “Law” and emerge from university in a position to

complete the necessary requirements that enable them to work as a solicitor or a barrister.

This is like every other law school, but what is different is the underlying philosophy that guides Monash Law and is at its essence and is evidenced in part by the units available for students to study.

The clinical program, of which Monash Oakleigh Legal Service (MOLS) is a key part, is testament to the commitment the Faculty has to social justice and the importance of serving the community and imparting the importance of this to its staff and students. It provides “service to the community” in the obvious sense in that it provides legal advice and assistance to members of the public who have a legal problem. But in the broader and perhaps more subtle sense, the educating of law students, some of whom will end up as legal practitioners, in a range of issues that extend beyond the pure study of law.

Perhaps one of the distinguishing features of the clinical program is the teaching of future lawyers not to just see “the problem” but the person, the client who presents with a particular issue and how best to assist that person with not just a “legal” remedy but with information that might help with the underlying cause of the problem that has arisen (and in many situations will continue to arise unless it is tackled).

This, in addition to the teaching of practical skills is the strength of the clinical program and the work undertaken at MOLS. If our students were not taught how to interview: write a letter: make phone calls: take file notes: research: analyse: appear at Court as well as a range of other legal skills, then students would not be able to assist clients at the legal service at a very basic level.

But if students were not taught the basics about practical and real ethics: responsibility: compassion: understanding: the importance of using knowledge to help others: volunteering: team work and a whole range of other “human skills” then their ability to enter the workforce at the

conclusion of their studies and perform and contribute to the greater good would be significantly less.

We provide our students with a range of learning and practical opportunities including:-

- Interviewing clients;
- Managing clients' files;
- Appearing in the Magistrates' Court, Federal Magistrates Court & Family Court;
- Instructing at Court;
- Negotiating settlements;
- Drafting letters and documents; and
- Developing learning and reflecting.

We aim to provide an environment that is supportive and inclusive. Staff and students work together to achieve a common outcome that provides immediate benefits for individuals from the community and provides the student with a sense of achievement and accomplishment. It also crystallises the year of classroom study of law within the practice.

We also provide the community with a range of services which include:-

- legal advice
- information and referrals
- management of files for clients in a wide range legal matters including criminal charges: traffic infringements: civil debt: divorce and consent orders : neighbourhood disputes: landlord & tenant issues
- appearing on behalf of clients in the Magistrates' Courts, Federal Magistrates Court and Family Court on a regular basis

- attending court with clients providing support and guidance
- attending Monash Medical Centre to prepare wills and powers of attorney for clients who are unable to attend the Legal Service
- involvement in community engagement activities through our ongoing involvement in the Power Neighbourhood House in providing legal advice for the Ashwood community: material support for community activities: and ongoing legal guidance for the Neighbourhood House
- hosting year 10 work experience students from a range of schools.

The work accomplished at MOLS could not be done without the hard work of all staff and students. We also rely on volunteers who give generously of their time to work as reception staff on the night sessions. My grateful thanks to all staff, students and volunteers who have contributed to MOLS over the last year and will hopefully continue for years to come.

Thank you also to the Faculty and especially The Dean, Professor Arie Freiberg, Monash University Law School for the continued support given to us.

And to the Pratt Foundation for its ongoing generous donation.

And to Sandra, Anne, Malcolm, Jennifer, Lauren and Guillaume who make the everyday possible.

# FAMILY LAW ASSISTANCE PROGRAM (FLAP)

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## Malcolm Bennett

The FLAP program is part of Monash-Oakleigh Legal Service and has been running for approximately 10 years. The program was initiated after the Federal Government was approached to fund a service that provides:-

- 1) Practical experience to law students in dealing with clients who have a family law problem.
- 2) Free legal service to clients who cannot afford their own lawyer.
- 3) A duty lawyer service at the Family/Federal Magistrates Court at Dandenong.

FLAP students and a supervising solicitor attend the Family/Federal Magistrates Court at Dandenong each Monday and conducts a duty lawyer service. At court, the students observe the court process, assist clients by preparing urgent documents and participate in negotiations with lawyers representing opposing parties. The number of clients seen at court varies depending on the number of cases in court. FLAP can see approximately 6-8 clients on quiet days and have seen up to 25 on a very busy day.

The staff at the Family/Federal Magistrates Court is very cooperative in meeting the needs of FLAP. A large interview room is made available and provide tea and coffee making facilities.

The Federal Magistrates show a keen interest in the students and during breaks in the day, they often invite the students into their chambers and speak to them.

A protocol agreement between the Court and FLAP allow law students to appear in court on behalf of clients in minor matters, supervised by the solicitor.

The cooperation shown by staff and Judicial Officers at Dandenong allows the students to gain experience in the court process and helps demystify the court process.

A further benefit is that with the higher profile of students at Dandenong, lawyers based in the area are aware of the experience gained by students and are more prepared to offer articles and summer clerkships.

The sessions at the Dandenong court are constantly enlivened by former students dropping in.

From Tuesday to Friday, interview sessions are conducted for clients. There are two sessions per day and each session has appointments for four clients. The Tuesday and Wednesday sessions occur in the afternoon and the Thursday and Friday sessions in the mornings. It is envisaged 32 clients are seen per week at FLAP.

FLAP is now offering a professional practice subject where students gain intensive experience in attending FLAP for a trimester. The prerequisite to enter the course is having studied a family law subject or another professional practice subject. The students manage their own files and attend FLAP each week and regularly go to court at Dandenong on Mondays. In the first trimester, 9 students undertook the course and two the second trimester. In the third trimester, 8 students are participating. Every semester, when a family law subject is taught, students are given the opportunity to have 40% -50% of their marks allocated to participation in the program. Participation consists of attending FLAP for four

sessions and attending court. The students are then required to provide the family law lecturer with a short assignment dealing with their experience with a particular case they have worked on at FLAP. The students are given the experience of interviewing clients and preparing documentation.

FLAP is also blessed with a large number of volunteers who are students from Monash Law Faculty and have previously attended as family law placements or know of the service and have joined FLAP to gain practical experience.

Last but not least, I am ably assisted by students who job share an onerous and at times difficult job. Their role is to ensure the students see the clients, manage files, correspondence and telephone calls. Without the hard work of these students, FLAP would not function.

In the past year, we have had Tim Gough and Shanika Drogemuller. Both have now moved on after completing their law degrees. Tim is articled to a large legal firm at Dandenong and Shanika is an Associate to a Federal Magistrate. Their positions have been filled by Lauren Smith and Jennifer Yen. It is always a source of amazement to me how these students can work so effectively and efficiently in what can be a very difficult and stressful job and they say they like doing the job! I cannot express my thanks fully enough to these students for all their efforts.

## A SUPERVISOR'S PERSPECTIVE

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### Ross Hyams

The benefit of teaching students “mainstream” subjects such as family law and “Introduction to Legal Reasoning” and also being a Legal Service supervisor is the opportunity to watch students develop a perception of the law as being more than facts, principles and judges’ reasoning, to a living, breathing reality that affects everyone’s lives. Nowhere is this more keenly observed than at the Legal Service. It’s what I call the “penny dropping” moment - when students realise that what they have been studying has practical application; that it really does influence people’s access to rights, privileges and to justice. They also realise that, as lawyers-to-be, they have knowledge and skills that can empower their clients and can affect their lives for the good.

Allow me a short anecdote – many, many years ago, I was once a Professional Practice student myself. I had a client who was experiencing sewage back-up from a gutter in the back yard of her house. She had tried contacting the local government authority but her lack of English and her consequent inability to properly express the nature of the problem and its consequences upon her life led to her getting the constant “fob off”. So, in desperation, she came to her community Legal Service for help. I was 23 years old and had been undertaking Professional Practice for about two weeks. My supervisor advised me that I should ring the water authority on behalf of the client, explain I was from the Legal Service and demand that the problem be rectified. I did so, thinking “*Why would they listen to me?*” The next day, the client came in crying tears of happiness and relief and gave me a big hug. The water authority had come that morning and the problem had been solved. I had a ‘penny dropping’ moment then and there – I realised that my developing understanding of the legal system, its procedures and its institutions gave me great power to do good things for people. I could

make a real and positive difference in my clients' lives. I see this comprehension in my students every semester. I see them figure out, often for the first time, that their experiences of the legal system at the "coal-face" enables them to put a human face on the protagonists that are presented to them in all those difficult court decisions they have studied.

Often, the Legal Service is the place where students remember why they entered law school in the first place – usually the belief that the law is a "helping profession" and that they may have something to contribute.

In my experience, often law students "lose their way" during their many years of law studies. They may enter law school very enthusiastically, but their notions of what learning to be lawyer means are soon dispelled as they slog through their way through cases, lectures and exams that leave them feeling disconnected with the world of real people and real situations. Their participation in the Legal Service often re-ignites their initial enthusiasm. By exposing them to actual legal situations involving real people that require problem solving, transfer of knowledge, communication skills and ability to develop empathy, it reminds them that the law is about fundamental issues. Issues of how society organises itself and the rights, obligations and liabilities inherent in being a member of that society. Often it reminds them, or helps them form the view, of why they decided to study law in the first place.

Given the opportunity, who would not want to be involved with assisting students through this journey from University student to competent professional? I find my involvement in supervising at the Legal Service an incredibly fulfilling experience and I look forward to it every year.

## **VOLUNTEER COORDINATOR**

**(former Professional Practice Student)**

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Guillaume Bailin

### *Education through Confrontation*

After being trained in the virtual infallibility of our legal system, being confronted with injustice done unto a client while I was a professional practice student was a turning point in my legal education. For years I was fed cases where all parties were represented by, and could always afford, the most experienced and competent counsel which appear before the most impartial and fair tribunals in the land, where precedental history was often made. Most law students realise that this depiction of the legal system is not representative of most people's experiences, but few know first hand what the reality is.

Being confronted with elusive and obstructive informants, an irascible and wholly partial tribunal, not to mention insensitive and cutthroat corporate grocers, is a certain panacea to the naivety and faith in authority which usually typifies the first few weeks of Prof Prac. I was fortunate enough to run a largely criminal caseload during my placement at Monash-Oakleigh Legal Service, which gave me a unique insight and opportunity to experience both the best and worst of what lady justice had to offer. During my placement, I had the opportunity to learn what a gaol order was and why knowing what it is can be vitally important to client who has been remanded to custody due to a procedural oversight; to become all too acquainted with the art of masking begging for legal aid behind a thin veneer of emotive literary prose; as well a realising the fundamental value of the appeal process.

The highlight of Prof Prac for me would have to be undertaking two student appearances, which reflected the lottery of justice which at times

can typify the lowest tier of our courts. My first experience was that of an appearance before a magistrate who seemed to be stricken with what can only be described as a severe case of premature adjudication, which was contrasted against a second appearance before a sympathetic and fair tribunal. Both these experiences taught me valuable lessons in self-restraint, manipulating the phrase 'as your honour pleases' to mask contempt, and of course harnessing the sheer adrenalin which accompanies advocacy before a tribunal. While no doubt my perceptions are coloured by my experiences, I learnt that for the most part all those involved in the criminal justice system try to do their job to the best of their ability, in line with its intended goals and objectives.

Prof Prac is the singular best experience throughout my degree in terms of relating my tertiary study to legal practice, developing an ethical approach to lawyering, learning to manage files and clients and coming to terms with the purpose of practice; to prevent or at least ameliorate injustice which can occur in the absence of oversight and/or competent advocacy. I must extend my heartfelt thanks to my supervisor Randall Kune, without whom the experience would not have been as memorable or rewarding. His humour, support and guidance were integral in making Prof Prac a, if not 'the', highlight of my ongoing legal education. At the conclusion of Prof Prac, not yet ready to return exclusively to the ivory tower across the ring road, I was fortunate enough to be appointed Volunteer Coordinator at MOLS. A role which has enabled me to not only pursue my own endeavours which seek to reduce injustice through education, but more importantly expose law students, the future of the profession, to the realities of their legal system.

As Volunteer Coordinator I have been responsible for setting up a new Wednesday night advice only session which will provide an opportunity for that often forgotten and much maligned pool of

talent - otherwise known as first and second year law students - with an opportunity to interact with the local community by listening to their problems (not always simply legal), being frustrated in their attempts to help them by bureaucracy, as well as achieving positive results to the satisfaction of all. The joy of actually assisting someone out of legal hole (or minefield) is one that can only be appreciated by those who have experienced it.

The most positive aspect of this role to date has been the sheer enthusiasm and survival of the pro bono ethic among young students. Capitalising on the rawness of this desire to get experience and genuinely assist others is both a challenge and pleasure.

Under the umbrella of a MOLS employee, I have also been working to set up a new initiative called the Prison Legal Education & Assistance Project (PLEA). The receptiveness, patience, and support provided by Fay, Sandra, and Dr. Bronwyn Naylor have been critical in founding this project. PLEA, which is currently awaiting funding from the Law Foundation, will provide court readiness education to inmates at the Metropolitan Remand Centre in Deer Park.

Essentially the PLEA Project follows in the footsteps of the Professional Practice CE prison CE program previously run by Dr. Bronwyn Naylor, in providing education and library assistance in order make inmates more proactive about their legal cases. This project is an exciting opportunity for volunteers to directly assist the most disadvantaged and marginalised members of our community, while gaining invaluable practical skills. Both the volunteer program and the PLEA Project will commence at the start of September 2008.

Students need to be informed, and remember, that the road to success is not only paved with top-tier seasonals. Volunteering is an often overlooked and much maligned part of law school. It is the afterthought during your final semester, once you have acquired that much sought after traineeship, but it doesn't have to, nor should it be. Volunteering will

allow you to truly challenge what you are forced fed at university. I am indebted for the opportunities and experiences provided by MOLS, and look forward to continuing my involvement long after I cease handing in a timesheet.

## **MOLS ADMINISTRATION MANAGER**

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### **Sandra Nottle**

Once again it is time to reflect on the year that was so I will start at the beginning. In July 2007 I took up a five month secondment as Administration Manager at Springvale Monash Legal Service three days of the week, with the other day back at MOLS. As expected it was a little daunting in the beginning as there was quite a lot happening at both legal services. One of the first tasks was to simultaneously organise both Annual Reports and Annual General Meetings! All I will say on that subject was that it was a challenge.

I thoroughly enjoyed my time down at Springvale. By the time I left I had learnt a lot about their activities and was able to introduce new ideas for improved work practices at both legal services. Importantly I was able to establish new friendships and contacts that will be of ongoing benefit.

Earlier this year, we commenced a project to renovate our conference room in order to provide a more effective work place for FLAP.

When completed there will be two rooms, one for the supervising solicitor and the other as the FLAP administration and student workroom. All FLAP staff and students will be able to work in a safer and more secure environment. We hope to utilise the old

FLAP administration area for staff meetings and community workshops and the supervising solicitor's office as another interview room. I anticipate that the project will be completed by the middle of October 2008.

We said goodbye to our Trimester 1 2007/2008 students and welcomed in our new Trimester 2 students who will be replaced at the end of July 2008 by new students enrolled in Professional Practice. Ensuring the evolving needs of MOLS are implemented as well as the constant student changeover clearly makes the year go by so quickly.

I am now happily ensconced in a dedicated work space that I share with our new Volunteer Coordinator Guillaume. Guillaume is a welcome addition to the Legal Service and let's just say, with his eclectic taste in music, from classical to Jazz to bagpipes, the office is never dull.

I wish to thank all our night time volunteer receptionists not only for their time but also for making my job coordinating the roster so easy. Without volunteers the PDLP Online night client sessions would not be able to be run as smoothly as it does.

## **RECEPTION**

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### **Anne Calvisi**

As receptionist at the legal service, not only do I make appointments for clients but I receive varied enquiries not only from the general public but from other community groups, the courts, insurance companies and debt collectors.

I need to be aware whom these enquiries need to be directed to - quickly and efficiently. If the legal service is unable to help with the enquiry, I then refer the caller to a more appropriate alternate organisation. Having

up to date information to make referrals is essential in order for reception to run smoothly.

Many of our enquiries are from people who speak English as a second language or are stressed or anxious about the situation they find themselves in. Remaining calm can sometimes be a challenge (especially during client appointment times).

Reception during client appointment times is a hive of activity, with clients arriving for their appointment, handing over car parking passes, informing students of client arrival, students coming in and out retrieving files, faxes arriving needing attention and of course, the telephone ringing with new clients, as well as taking and distributing phone messages. It's never a boring day for me!

The end of the clinic period seems to come around at an alarming rate. Student changeover begins anew and once again new student names and faces to remember.

## **FLAP ADMINISTRATION MANAGERS**

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Lauren Smith & Jennifer Yenn

*"Unlikely warriors in the FLAP workroom"*

Jenn and Lauren have been administrators at FLAP for nearly four months. We still don't quite understand how we got the job, but we don't like to ask too many questions about these sorts of things. These last four months have been the following: insane, ridiculous, stressful, hard, contemplative, fun and loud.

For most of our time here we have been without Professional Practice Students to run the majority of the files in our office and have had to cover their workload. As such, we have learnt many ways to create order and efficiency in the workplace, or at least the perception of it.

We introduced our patented 'three tiered in-tray system' <sup>R</sup>, designed to increase streamlined use of the in-tray unit. It was fantastic at everything except *decreasing the number of files we had to work on*.

We have employed the use of 'systematic piling' of work on the desk, 'priority ordering' of telephone messages and regular well-timed exits out the back door for 'coffee meetings'.

The FLAP team has been lucky enough to have been assisted by many wonderful volunteers since Lauren and Jenn became administrators. We managed to recruit graduates of professional practice and newly accredited lawyers to deal with our more colourful clients and assist in the training of younger students.

New students and volunteers are inducted into the FLAP community via the Lolly Jar and subsequently introduced to FLAP's wall of fame. The wall of fame exhibits collections of unbeatable feats such as the longest and shortest interviews, Lauren and Jenn's language learning center as well as snippets of memorable letters and trinkets collected or given by our clients.

FLAP has been a wonderful opportunity for us to not only build upon our family law knowledge and experience but also allows us to further expand the FLAP community and increase practical experiences for law students across all year levels.

# MOLS - My perspective

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Elena Cho

(PDLP Online and past MOLS student)

I completed Professional Practice in Semester 1, 2007 with some regret but more relief. It had been a hectic, whirlwind experience and little did I think at the time that I would be back the following year for PDLP!

How nostalgic it was to come back to MOLS this year, settling into old routines and seeing familiar faces. And how easy it was to ease back into old habits, grabbing a CLSIS and client agreement form before an interview, and ticking off names in the appointment book, things that seemed utterly foreign to my PDLP classmates.

While writing this piece, I've had the opportunity to reflect on my experiences at MOLS and what I think I've gained from them.

My first days at MOLS during Prof Prac were filled with sheer fright at the prospect of having to advise clients on topics I knew nothing about. I clearly remember sitting in an interview room and facing my first client, feeling terribly inadequate.

However, as with all things, after 20 weeks and immense support from the supervisors and staff at MOLS, I was pleasantly surprised to see the improvements, in not only myself, but all my fellow classmates.

It's rather hard to describe to those who have never taken or supervised the subject, the exact benefits of having a practical course. I can only touch on the eye opening experience which being thrown into the deep end of community legal work brings. I

remarked in my reflective journals last year on what a privileged position law students hold. We may be poor students, stressed and madly scrambling to get a job, but the education we receive puts us into a privileged sector of society. At MOLS, many of the clients we see are unable to deal with problems which to us would be elementary. Many of them won't have the resources to deal with their problems, and they are marginalised, the victims of laws, which unfortunately can't cater for everyone, but have a much more severe effect on these people than on others.

I realise that funding is a major issue as to why MOLS remains a small program and the reason why not all law students will be able to experience the subject. However, I would strongly recommend the program at MOLS to everyone I know.

The interaction skills and confidence gained by every MOLS student is a good indicator of why a practical subject within a law degree is so beneficial. A student at MOLS learns how to handle clients and cases from the very beginning, across a range of different matters, and learns those skills within a safe and supportive environment.

In our law degrees, we are taught ethics and the importance of our positions as lawyers in the community. What better way then, to see this in action? While many law students will deal with large corporations and wealthy clients for the rest of their careers, I firmly believe that all law students need to see how the law works to affect people everyday.

I am currently employed by the Royal Australian Navy as a legal officer. In my job, I will be dealing with a wide spectrum of people, from sailors and officers, to international bodies and foreign navies. No matter what work I will be facing, I know that the skills I learnt from my MOLS experience will be a solid foundation on which to build my career. I can honestly say that out of my entire undergraduate degree, my time at MOLS was the most challenging, memorable and enlightening experience I shall remember.

# MOLS/FLAP - My perspective

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Tim Gough

The legal profession is a funny thing. Much like the music industry, it can seem almost impossible to break into for the average student, and the paths to doing so are shrouded in mystery and fraught with rejection and disappointment.

Some law students are fortunate enough to be given a seasonal clerkship at a large corporate law firm. Earning such a position is considered by most law students to be a sign that you have 'made it' and those students who have completed a clerkship consider themselves far more 'experienced' than those who have not.

Some even go so far as to carry themselves with an air of undeserved self importance, and refer to the firm that so briefly hired them with a familiarity generally reserved for those who had worked there for several years. They seem unable to accept that their clerkship amounted to nothing more than four weeks of mindless photocopying and frivolous research tasks.

Blissfully, for those students who don't have their heads in the clouds, there are alternative paths into the legal industry, which often result in a much richer experience of legal work. I chose to take such a path, and the breadth of experience I gained went far beyond learning to operate a photocopier.

For the best part of 2007 and some of 2008, I had the pleasure of working in an administrative role at both MOLS and FLAP.

Aside from keeping track of client files, my position involved, for the most part, keeping an eye on all of the Professional Practice

students (and occasionally the receptionist and the solicitors) and ensuring that everything ran smoothly. I interviewed clients on a daily basis, managed my own files, worked closely with several solicitors, and delegated work out to other students when required. To be frank, I basically ran the place, and I had a fantastic time doing so.

The job gave me a critical insight into the running of a legal practice. Prior to coming to MOLS and FLAP, I really had no idea what working as a lawyer was all about. Like most law students I'd bumbled through my degree, growing ever wearier with the purely academic nature of what I was studying, and living in constant fear that maybe this wasn't the profession for me and that I might just be wasting my time.

MOLS and FLAP introduced me to the practical side of the legal profession, and I loved it. I finally understood that it wasn't necessary to memorise the name of every case or the reasoning underpinning every principle. On the contrary, I learned that being a lawyer is actually all about dealing with people and helping them solve their problems. After four years of law school, I came to realize that I could actually use my knowledge to assist others, and it was marvelous.

Furthermore, I was exposed to an enormous variety of different legal problems, including family law, criminal law, wills and powers of attorney, property disputes, immigration matters, administrative law matters, and civil litigation. I even got to appear in court on occasion.

Given all of the experience I had gained, I was able to secure an articulated clerkship without taking the traditional 'seasonal clerkship' route which, in hindsight, I'm incredibly glad I avoided.

When I commenced my articles at the beginning of 2008, I already knew how to navigate a client file, how to write proper file notes, what information I needed to get from the client, and so on. In that sense I was streets ahead of other articulated clerks who started at the same time as me.

Most importantly, I had confidence in my own abilities and was able to simply relax and do my job, rather than desperately having to familiarize myself with the practical application of all the theory I had learned throughout my degree. It really has made all the difference.

I cannot offer a big enough commendation to MOLS and FLAP for the opportunities and alternatives they offer to students. I encourage all students to take advantage of those opportunities and heartily endorse those who do so. I will be eternally grateful for the wealth of experience I was granted during my all-too-brief tenure, and look back on my time there with the fondest of memories.

## **THE COMMUNITY FORUM: A GROUP REFLECTION**

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### **MOLS students**

On 13 February 2008, we decided to tackle an issue that affects a significant portion of the nation, and one that has since coincidentally made headlines around the nation - poker machines. Poker machines represent one of the nation's most cancerous and debilitating forms of gambling. We decided to write a submission to the Monash City Council, to convey the community's opposition to the Hotel's application as we were aware that the Matthew Flinders Hotel ("Hotel") had only recently submitted an application which sought to expand its licence to include an extra 21 poker machines in its Ashwood facility. It was decided that in a bid to gauge the community's position on this issue, we would hold an open forum on Thursday 13 March 2008

between 1pm-3pm at the Power Neighbourhood House ("PNH") in Ashwood.

For the most part, the following month represented a period of time that tested the strength of our commitment to the cause. It is submitted that the effort each and every one of us produced in organising the forum, stands as testament to the high level of commitment of which we had expected of both ourselves and each other. For that we can be proud. That said, hard work means very little when done in vain, and for this reason we arrived at the PNH on the day of the forum intrigued to finally discover if it had all been worthwhile.

During the early stages of planning, the possibility of Jeff Kennett appearing as a guest speaker was raised. This led to thoughts about how we were to deal with the ensuing media attention that our forum would subsequently receive. It could be argued that this was false hope stemming from the minds of overly-concerned students. While we would prefer not to phrase it in this way, we can say that our expectations became increasingly more realistic. This was just as well given the fact that a number of us had to sit in the crowd and pretend to be concerned community members.

Despite the relatively small turnout, we all believe that the forum was a success. The guest speakers, Dr Mark Zirnsak and Councillor Joy Banerji were fantastic and the catering was most likely the best catering every provided at a local community meeting. After all, we don't think many of those who did decide to attend would have expected smoked salmon to be on the menu, or have people walking around with plates of food that one would likely encounter at an APEC meeting rather than a community forum.

While it was disappointing that the Hotel chose not to accept our invitation to speak at the forum, we extend our thanks to all who attended.

# REFLECTIVE JOURNALS

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Maggie Chau

August 2007

The 'Law' is very much alive. It changes as society changes. New legislations are enacted and old legislation repealed, amended and so forth. There is no one single set of identical rules governing the world 20 decades ago and the current one.

A case I am currently handling is very interesting, very different from our usual type of matters such as divorce and traffic offences. It concerns 'working with children'. Our client was served with a Negative Notice to work with children because he was convicted of having carnal knowledge of a 15-year old girl when he was 19 years old about 40 years ago. I must stress that the conviction was 40 years ago. In contrast, there was this new legislation - *Working With Children Act (2005)*. One of the sections precisely states that anyone who has been convicted of category one offence will not be allowed to work with children unless an Assessment Notice is given to him/her. In our case, the offence falls within Category 1, thus he is unable to work with children unless he gets an Assessment Notice.

This new legislation, at one glance, acts unfairly towards our client. He has already been punished for what he did wrong, but this legislation again punishes him by not allowing him to work unless an Assessment Notice is granted. He is being punished twice for the same thing. It is really unfortunate for our client. I have met this client twice, and on both occasions, he seemed really upset about the whole situation, especially now that he cannot work until he gets the Notice. It puts him in financial difficulty. I suppose the social stigma attached to him is very

strong and that people, such as his employer might look at him in a different way. It can cause a lot of emotional damage.

Nonetheless, the policy rationale behind this could far outweigh the impact on our client or people who are in a similar position. It should prevent child predators. Children can be safely protected and it puts their parents, who are working away from their children at ease. The legislation does allow an appeal by our client from working with children, so he is not totally without options.

I believe that our client is likely to succeed in the appeal considering that the offence happened 40 years ago and he has been leading a well-behaved life since. I suppose the main point to note is that he was not a paedophile who raped an under-aged girl. He and 'the victim' were of similar ages being 19 and 15 years old respectively. At this stage, I am gathering affidavits from different people who may be of assistance to our client's case. Let's see how that goes.

September 2007

Given the diversity of matters that we have, it is very interesting to learn new things each week at MOLS. Although most of the cases that we handle are rather straight forward dealing primarily with the Magistrates Court or VCAT, they help build up a solid foundation for us to understand the criminal or civil procedures.

I am very pleased that our client was finally granted the assessment notice in which he is found safe to work with children. It is something that I hoped for and it came out well. However, there is something very intriguing about this case. That is, our client was directly given the assessment notice at the Directions Hearing. Generally, a Directions hearing is a hearing to determine the date, time and things like how many witnesses and what evidence to produce at the actual hearing. So I

really wonder why as to how that has happened without any evidence before the tribunal.

In my view, I believe that my client was found to be in this situation was only because of the rules in the *Working with Children Act (2005)* that it was compulsory to give the negative notice upon someone who has been guilty of the category one offence. The tribunal saved time and resources, by giving the assessment notice to our client then, instead of at the actual hearing, where the facts of our client were highly analogous to the precedent laid down in *PJR v Secretary of Justice*. It could be seen as a failure of the system because not only does it fail to have an alternative to making it compulsory to give negative notice to category one offenders, it has an adverse emotional impact on people like our client. It is like 'digging old dirt' and talking about it again, which inevitably makes our client very uncomfortable.

Although his job has been reinstated, people who don't know the complete story, might see him in a different, often negative perspective. I guess this is just the reality, there is so much stigma attached to it, that people would assume things and I don't think people would actually look into the case and reassess the whole situation. Rumours will just spread and it's hard to stop. I know it could have sounded superficial.

## Odette Richwol

August 2007

*"It's the good girls who keep the diaries; the bad girls never have the time." - Tallulah Bankhead*

These past three weeks have been terribly stressful for me. I began the semester feeling (and continue to feel to an extent) very nervous, unprepared and worried about my performance in this subject. To date, this unit would have to be the most hands on legal job I have undertaken yet. While I have worked in legal offices before, my tasks have been confined to mostly research with only limited client contact.

Now that changeover has concluded some of my nervousness has dissipated. I was very uncomfortable having someone watch over my shoulder, though I understand that it had to be done. Truthfully, changeover was very short and I was left with more questions than answers.

### *Fumbly bumbly little girl*

It's been a long time since I've been new at a job. I had forgotten how hard it is to come into an environment where everybody buzzes around seemingly knowing what to do. Even the other new students, just as fresh and hopeful as myself seemed to be on a different bandwagon to me. Logically, I know that I can't have been alone in those feelings.

I imagine that once I have gained more experience at MOLS I will feel less like I know nothing at all and more as though I at least know the places to look to find answers.

### The fundamental questions, a holy grail or common sense?

In my short time at MOLS I have discovered the most fundamental questions to ask a client. While I have always known to ask these questions, I have never had a real life opportunity to employ them. Now the importance of asking the following has finally crystallised in my mind.

The basic questions of "what does my client want?" and "why are they here?" are in my mind the holy grail of questions to have answered. I feel that if I can't answer these questions before going to see my supervisor then I haven't truly listened to my client nor asked the right questions of them.

### A quick game is a good game

In all my years behind the counter or in the kitchen in the fast food industry, allowing a customer to wait was strictly forbidden. I notice that in an office environment there isn't the same mentality of hustle. I'm conscious of how much time has passed since a client's arrival. An apologetic nod or comment seems to take the edge off a client's agitation at waiting but really a client shouldn't be kept waiting unreasonably.

Connectedly, having had only limited experience in dealing with client problems, the time we students must spend with a supervisor only add to the tally of time the client has banked waiting. I'm not sure how appropriate it is, but it seems like leaving a newspaper on the desk while I visit my supervisor, may at least distract the client from the fact that they are waiting (yet again) in a sparsely furnished very white room, that to me, conjures images of prison and madness...yes, I think I'll leave a newspaper on the desk.

September 2007

Sometimes when I hear Hebrew music, a feeling that I can only describe as yearning, forms in the pit of my stomach. This feeling usually visits me when the entire congregation of the Elwood Shule sings in unison *Avinu Malkeinu* at the conclusion of *Yom Kippur* and at the *Yom Ha'atzmaut* community concert that I attend every year.

Though I find it terribly rude, I do love it when the kids from the youth movements sitting above me on the balcony, chant their nonsense songs and disrupt the speaker on stage at the community concert. I love it because six years earlier, I too sat on the balcony with my friends, with my movement, *Habonim Dror*, and changed those same songs. Oddly, when I hear Hebrew being spoken in the street my first reaction is distaste. This is usually because the speaker is a young man fresh from the Israeli army, sporting a head of unruly hair and speaking in a 'Middle Eastern' manner that we Australians are not used to. My second reaction is very different. Hearing Hebrew plunges me to the years 1997 and 1998 when I studied history, maths and science in Hebrew at school. Words in Hebrew that I'll never use again like conical flask, beaker, Bunsen burner, and science report, come flooding back to me.

In the year 2000 my school hosted a conference called *Beyond Alpaim*. I remember the conference well because two boys were immediately expelled when they were caught smoking a joint next to the lecture theatre. The purpose of the conference was to imbue in us students a love of Judaism both religious and cultural that would sustain us 'Beyond 2000' and into our years as adults.

Isaac, our informal education teacher, warned that at University, a *Chag* could completely pass one's attention because there aren't the same reminders of them as in High School. While Isaac spoke I recall thinking that I could never forget when a *Chag* is on and wanted him to move onto the next topic.

This year *Purim* came and went without my noticing it. It was only when I drove down Hotham Street, Balaclava and saw hordes of school children going home dressed in ridiculous outfits, that I realised I had missed it. At the traffic lights, the message Isaac tried to convey that day, finally crystallised in my mind.

Religion and culture are deeply interconnected. They are in a relationship of symbiosis. Religion is tied up in stores, songs, dance, food and most importantly family. If one had to create a list of what was exclusively religious and what was exclusively cultural, I doubt this could be done. Should either religion or culture cease to exist, this would surely bring about the extinction of the other.

A Muslim client recently sought advice as to how he could ensure that his wife whom had recently separated from him, could be compelled to bring up their two children in the Islamic tradition.

...A doozey of a question I thought.

Although I was completely perplexed by the question, I was glad that the client was seen by me and not another student. While I'm not Muslim and not even a religious Jew at all, I could relate to his desire to have his children brought up in a tradition that he cherishes.

He explained that his wife was Greek Orthodox and only by an act of god, would she agree to his request to bring up the children as Muslims. He described his wife as stubborn, spiteful and deliberately evasive just to hurt him.

I sent him away and told him that I would make further inquiries on his behalf.

For reasons unknown to me, I do some of my best thinking in the shower. In the shower I was troubled by his request because it really is a request to parent at arm's length. In essence, he wants to control his wife even though their marriage has broken up. That's not fair. Should I split from my partner, I wouldn't want demands such as his to be placed on me post relationship. Then again, when you conceive a child, both physically and psychologically, isn't the other partner entitled to have a say? It's at times like these that I curse the fact that I haven't studied family law.

In any event what does it mean to 'bring up children as Muslim'? Does his request even carry any meaning? While I'm Jewish, my expression of Judaism is more cultural than religious and more on a pick and choose basis depending on my mood. In contrast, one doesn't have to travel too far on my family tree to find family members who don black hats and black coats. Their expression of Judaism makes mine look like a very diluted cordial.

I wished I had have asked him to explain more what his idea of 'bringing up the children as Muslim' meant. Does it mean telling the children religious stories, eating a particular type of food or attending a place of worship? Assuming for a moment he does want these things does his wife have the requisite armoury of knowledge that would be required to take on this role?

The balance of questions was beginning to outweigh the amount of answers. I got out of the shower in a hurry.

Anonymous  
January 2008

### The Emotionally Driven Client

It is accepted that clients are understandably emotionally charged by the time they contemplate seeking legal advice. Given the detriment that a lack of objectiveness can have on the decision-making process, it is clear that the lawyer's role rightly includes introducing some degree of objectivity and indeed reality to the client's attention. While I believe that I have been relatively successful in fulfilling this role during my time at MOLS, in acting for one particular client over the last couple of weeks, I have gained an insight into just how much of an influence emotions can play in the a client's decision-making capability.

The client to whom I refer, instructed me to enter into negotiations with the opposing party. The outcome of the negotiations yielded a result that could be regarded in all the circumstances as successful. I would suggest that one of the primary reasons for this perceived success was due to the opposing party's willingness to agree to a number of suggestions which I had raised. I would speculate that his reasons for being so accommodating were in part due to the fact that he could see that certain demands that he had previously made were unjust, and due to his sheer desire to reach an agreement and hence, obtain a degree of finality to the dispute.

Unfortunately these sentiments were not echoed by my client. For reasons that I can only describe as emotionally driven, ill-considered and unsupported in law, my client chose not to agree to the arranged terms. Rather, he considered instructing me to make further demands, which had I done so would have either resulted in my client going to court, a result that he himself

acknowledged would be highly undesirable, or alternatively the opposing party giving away something that was rightfully theirs in a bid to keep my client onside.

As it currently stands, I am yet to receive further instructions, and despite all efforts, have been unable to contact my client. That aside, this experience has forced me to consider the lawyer's fundamental role. While there may be instances where a client makes logically unsound decisions, it is critical that a lawyer is able to remain focused on his own personal responsibilities. These responsibilities are inevitably to follow client instructions at all times, insofar as those instructions do not conflict with the lawyer's duty to obey the law or duty owed to the court. While it may be tempting for a lawyer to step in and make the decisions that would no doubt yield a far greater result for their client, it is absolutely crucial that this desire is neutralized and that we remember that the decision ultimately rests with the client.

February 2008

### Where I Stand

It is submitted that Law School is no different to any other university, profession or educational institution, in that it consists of variety of personalities, each of whom possess their own strengths and weaknesses. Given the nature of assessments at university, it is indeed the purely academic students who excel. While I admit that over the last few years this has caused me some degree of angst, my time at MOLS and indeed other firms has taught me that while a combination of personalities and abilities is essential in a firm, it is those who are blessed with both exceptional academic ability and people skills who are more likely to one day become a successful lawyer.

While I am by no means suggesting that I possess this optimal balance, given that I do believe that I can communicate with people relatively

effectively, I do find it somewhat comforting to know that people skills is indeed valued within the legal profession. To date, I have found that rightly or wrongly, this sense of self-belief has assisted me in my dealings with clients.

That said I feel that my primary weakness at present has ironically been my interviewing ability. In short, while I feel that I adopt a relatively practical approach in how I analyse a legal problem, and that I am able to develop a friendly and open relationship with the client, for what ever reason, there have been a couple of occasions where I have failed to obtain certain facts that would help determine the likely penalty that the court would impose on my client. While this is not in itself disastrous, it is nonetheless a weakness that I am keen to address.

In an attempt to rectify this issue, I intend to adopt a more structured approach to the fact gathering process. It is submitted that such an approach will ensure that I can be relied upon to obtain every factual detail that is relevant to the issue at hand.

With the end of semester rapidly approaching, I hope to improve in this area so that I can be truly satisfied that I have progressively matured throughout the semester in terms of my professional abilities. It is hoped that this fundamental improvement will assist me in the years to come.