



Curtin University



JOHN CURTIN LAW CLINIC

Half Year Report

for the period ending 30 June 2017

CRICOS Provider Code 00301J

Make tomorrow better.

curtin.edu/lawclinic

Table of Contents

About the John Curtin Law Clinic.....	3-4
Introduction from the Dean	5
Report from the Director of Professional Programs	6-7
Report from the Principal Lawyer.....	8
Key statistics	9-10
Unit information: Legal Clinic LAWS3005.....	11
Semester 1 seminars	12
Acknowledgements.....	13



About the John Curtin Law Clinic

OUR MISSION

To enhance the education of Curtin law students and improve access to justice through supervised professional experience.

OUR OBJECTIVES

We do this by:

- ◆ creating opportunities for students to engage in professional activities in a supervised, clinical legal education environment;
- ◆ providing legal aid to small businesses;
- ◆ encouraging students to critically reflect on their roles and responsibilities as future members of the legal profession; and
- ◆ giving students training and development opportunities to develop their professional skills.

WHAT WE DO

The John Curtin Law Clinic provides advice and assistance to eligible small businesses based in Western Australia.

Some of the things we help small businesses with include: identifying their legal options; carrying out legal research; preparing court documents; and providing referrals.

WHAT WE DON'T DO

We do not advise on the following areas of law: Criminal; Family; Medical negligence; Migration;

Personal injuries; Superannuation; Taxation; Trademarks or patent registration; Welfare; Wills and Estates; Workers' compensation.

We also do not provide representation.

Clients attend all court hearings and appointments themselves. Clients must also send correspondence relating to their matter under their own name and letterhead.

MANAGEMENT

The Director of Professional Programs, Julian Sher, has responsibility for the strategic operations of the John Curtin Law Clinic. Julian has over 40 years' experience in private practice, including as Managing Partner of national and international law practices, and at the independent bar.

The Principal Lawyer, Rosaline Tan, is responsible for the day to day management of the Law Clinic, including delivery of the Legal Clinic unit and primary supervision of students. Rosaline has over 10 years' experience in commercial litigation and dispute resolution as well as in a community legal centre in Perth.

Both the Director of Professional Programs and Principal Lawyer are qualified and experienced legal practitioners and hold current practising certificates.

From July 2017, Elana Christou will take on the role of Clinic Administrator and provide support services for the John Curtin Law Clinic.

TO WATCH OUR VIDEO CLICK HERE

or visit <http://bit.ly/2vHuOe9>

About the John Curtin Law Clinic

INSURANCE

The John Curtin Law Clinic is part of Curtin University. Our activities are insured by RiskCover, which is the Government of Western Australia's self-insurance scheme administered by the Insurance Commission of Western Australia.

CONFIDENTIALITY

To maintain the integrity of confidential information received from clients and potential clients of the Law Clinic, all Law Clinic students are required to sign a "Student Participation Deed" containing obligations of confidentiality before they are allowed to participate in the Law Clinic.

CLIENT AGREEMENT

The John Curtin Law Clinic has a standard retainer agreement. It sets out the main terms and conditions on which we agree to act for a client.

The Law Clinic must have received a properly executed copy of the client agreement before we start

to do any work. Law Clinic students are responsible for explaining this document to potential clients during the initial appointment.

COSTS

The Law Clinic services are free of charge.

However, clients must still pay all other expenses related to their matter.

These include filing fees, consultant fees (if the client engages a third party such as a barrister or expert witness) and (if they are involved in court proceedings), any amounts ordered by the Court.

2017 OPENING HOURS

The Law Clinic is open for appointments between 9.30am and 11.30am, Monday to Thursday during semester.

The 2017 semester dates are:

- ◆ Monday 27 February to Friday 2 June
- ◆ Monday 21 August to Friday 10 November



Law Clinic students and staff with Small Business Commissioner David Eaton (seated, far right) and staff from the Small Business Development Corporation

Image supplied by the Small Business Development Corporation

Introduction from the Dean



The establishment and operation of the John Curtin Law Clinic marks an important development in the evolution of the Curtin Law School. Under the leadership of Julian Sher and Ros Tan it has gone from strength to strength in this first period of operation. In the words of a client of the John Curtin Law Clinic, the quality of our services and the professionalism of the students are second to none. It is gratifying to see such positive results at such an early stage. The enthusiastic uptake is also pleasing, for the Law Clinic meets an overwhelming need, both from our law students for real experience and also from the community for subsidised legal services.

I would particularly like to thank Small Business Commissioner David Eaton for his passionate support from the inception of this project. The role of the Small Business Development Corporation in providing holistic services to the many small business clients referred to the Law Clinic cannot be underestimated. I hope that more industry bodies and members of the legal profession will become ardent and committed supporters of our Law Clinic, for we have an ambitious expansion policy. We look forward to the day when all law students at Curtin will graduate with clinical legal skills and experience that can immediately be applied into practice.

The vision for Curtin Law School has other key components: an intensive city based

undergraduate academic program; an independent co-located barristers' chambers; and, soon, a Professional Legal Training program. The commencement of the John Curtin Law Clinic is a remarkable achievement but just the starting point in this vision. As Dean I salute the staff and students associated with this singular development and the contributions they have made to the wider community.

Professor Paul A Fairall
Foundation Dean and Head of School
Curtin Law School



Report from the Director of Professional Programs

In February 2017, final year Curtin Law School students commenced the inaugural semester of their clinic course in the newly minted John Curtin Law Clinic located at 57 Murray Street, Perth, within the Curtin Law School city campus. The Law Clinic caters for the small business community, chiefly on referral from the Small Business Development Corporation of Western Australia, but also from the State Administrative Tribunal, the Legal Aid Commission of Western Australia, community legal centres, the courts and also directly through our online portal.

We have excellent relationships with each of our referring bodies and are delighted and privileged that they have entrusted Curtin Law School with the responsibility of serving the community of Western Australia through our Law Clinic. We take this responsibility seriously. This is manifested in the quality of the legal services available to our clients, which is second to none.

For the entire Curtin Law School team and especially our Foundation Dean, Professor Paul Fairall, the opening of the Law Clinic was the culmination of intense planning and hard work to achieve the

practical realisation of an idea envisioned only a mere few years ago.

Large projects of this magnitude are not usually without considerable complexity and risk – and this one was no exception, requiring courage and commitment to worthy ideals of education and public service. The attainment of this critical milestone in the evolution of our dynamic law school was a defining moment. With both an excellent academic program and a uniquely evolving clinical legal education program at its core, Curtin Law School offers students not only a first class educational experience, but also a thorough transition into the legal profession.

Rarely do organisations and individuals enjoy the privilege of seeing their dreams transformed into reality on this scale, but the support and commitment of Curtin University as a whole and Professor Fairall's inspiring leadership, drive and commitment in particular, have all contributed to the creation of a new reality designed to enhance the educational experiences of Curtin Law students.

This has occurred at a time of enormous historical change in the legal profession. Students are more



Report from the Director of Professional Programs

connected than ever before with technology, arguably isolating them from those needing basic relief simply to survive. The Law Clinic gives clients access to advice and remedies on which their businesses depend and which they could not otherwise afford. In a very short time our students have achieved tangible results for indigent small businesses who would otherwise have had no recourse or relief from injustice.

Our Law Clinic is an opportunity for Curtin students to interact with clients in a firm-like environment. Curtin's requirement is that they meet – and are assessed on – the uncompromisingly high benchmarks of technical legal competence and client engagement expected in practice. To that end, Curtin acquired LEAP software, enabling students to become familiar with document and file management, as well as time recording techniques. Students receive continuous instruction and mentoring to develop their practical legal skills, including interviewing techniques, effective and precise legal writing, giving advice, legal ethics (including the ethics of time recording and charging), instructing counsel, file management (including keeping file notes) and commercial strategy. At the end of the unit, students are assessed on a pass/fail basis.

We are very fortunate to have as our Principal Lawyer, Rosaline Tan, an experienced lawyer, who supervises our students and client work on a daily basis. Rosaline is responsible for designing and leading the Legal Clinic unit, incorporating weekly seminars conducted by senior members of the Western Australian legal profession. I take this opportunity of thanking her for her hard work and supreme dedication. I thank our guest presenters for their invaluable contributions, their time and enthusiasm which has enhanced our students' clinical experience so much.

The Law Clinic experience has proved to be so successful in its inaugural term that there is every reason for optimism for its future and the experience it gives. Some of our inaugural Law Clinic students have volunteered their time to assist clients, over and above the strict call of duty. This is a huge credit not only to them, but also to their insight into the benefits interaction with clients in a firm-like environment brings on the cusp of their entry into the job market.

At a time when employment in the legal profession has never been more competitive, the John Clinic Law Clinic experience enables Curtin students to gain that extra bit of technical and practical skill which may better equip them for the daunting entry into legal professional practice. On that note, I urge all Curtin law students to consider enrolling for the Law Clinic experience. This is an opportunity that should not be missed.



Julian Sher
Director of Professional Programs
Curtin Law School

Report from the Principal Lawyer

Since opening our doors at the end of February, the John Curtin Law Clinic has received 72 requests for assistance and provided substantive legal advice to 26 small business clients.

Under close supervision, the Law Clinic students met with small business clients, carried out legal research and prepared and delivered legal advice. They also managed client files with the assistance of the LEAP practice management software.

While the Law Clinic does not charge fees for our services, our students learned to record their time in a way that is accurate and meaningful. At the same time, and reflecting movements within the legal profession, the Law Clinic students debated and challenged the utility of time-based billing.

Parking that debate for another day (or semester), our work to date equates to roughly **\$120,000** in billable fees. An additional **200 hours** in non-billable time was spent engaging in practical legal workshops, seminars and reflective discussions on our role as lawyers, or future lawyers.

We are particularly grateful for the support of the Small Business Commissioner, David Eaton, and his team at the Small Business Development Corporation. The legal services offered by the John Curtin Law Clinic are designed to complement those that have long been provided by the SBDC in supporting local small businesses.

I would also like to acknowledge and thank all of the guest lecturers that generously gave their time to make themselves available to the Law Clinic students. This generation of law students is fortunate to have such dedicated and willing mentors in the senior ranks of our profession. Member Dr Bertus de Villiers of the State Administrative Tribunal has been particularly vociferous in his support. On behalf of all Law Clinic students who will benefit from this, both past and future, I thank him for his encouragement.

Substantively, our advice covered a range of small business issues including commercial lease arrangements under the *Commercial Tenancy (Retail Shops) Agreements Act 1985*; franchising matters; statutory guarantees under the Australian Consumer Law; debt recovery; and breach of contract.

A highlight from our first semester matters was assisting a commercial tenant client to successfully recover approximately \$500 in wrongfully charged fees. In the absence of the John Curtin Law Clinic pursuing recovery of these fees would clearly have been commercially unviable.

Although this is a half-year report, the bulk of the work referred to was in fact carried out in little over 3 months, reflecting the length of the semester unit in



which students enrol to participate in the John Curtin Law Clinic. The volume of work accomplished is testament to the hard work and commitment of our inaugural cohort of Law Clinic students, some of whom volunteered over and above the minimum hours required to complete the unit.

It has been particularly satisfying to supervise such a dedicated group of students. On that note, I would like to sincerely thank the inaugural cohort of Law Clinic students for their enthusiasm and for carrying out their responsibilities in the Law Clinic with the appropriate respect and professionalism to be expected of future members of our legal profession. By name, they are:

Ms Alexia Larcher	Mr Rowan Ratter-Stotesbury**
Ms Alina Andres	Ms Sita Samtani
Mr Daniel Busher	Ms Sofia Varricchio
Mr Hameed Ahmad	Ms Tania Joppich
Ms Madisen Scott**	Ms Tanika Matic
Ms Nadine Elmowafy**	Ms Tessa Richardson

(**volunteered additional time)

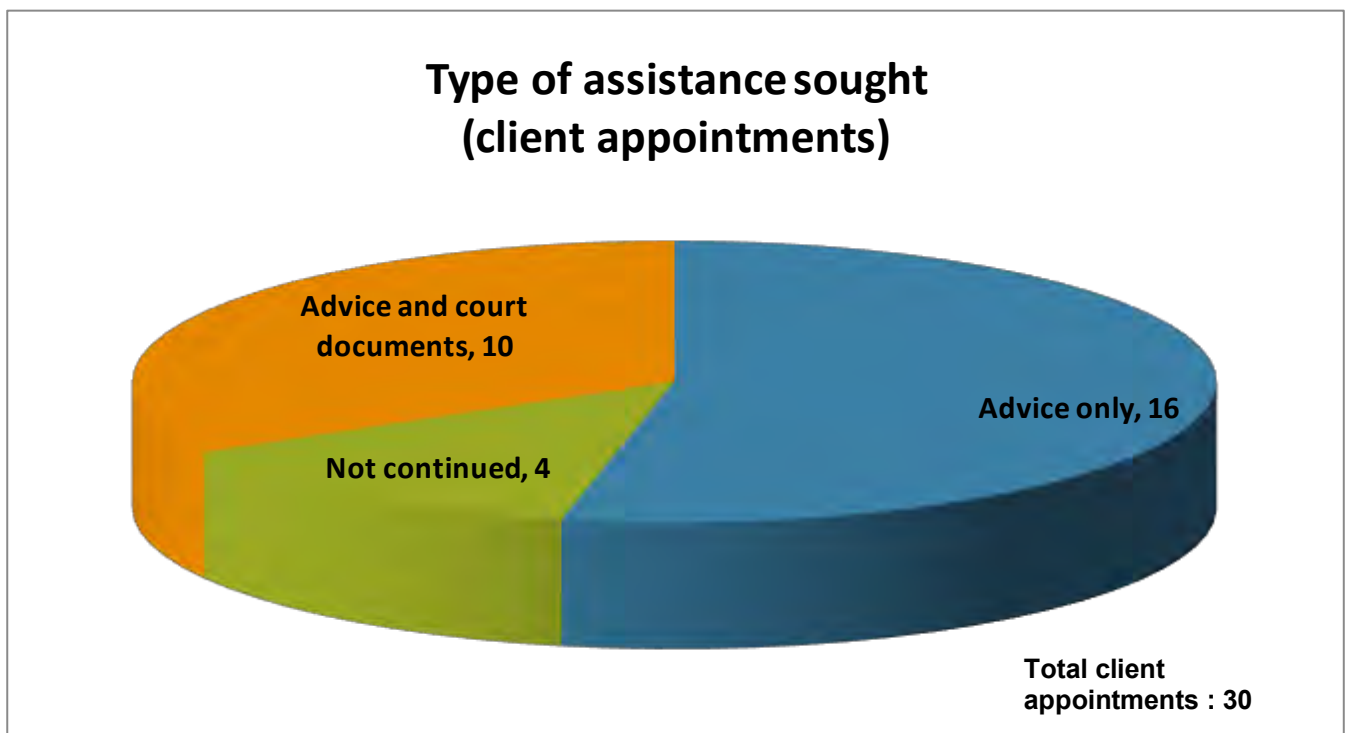
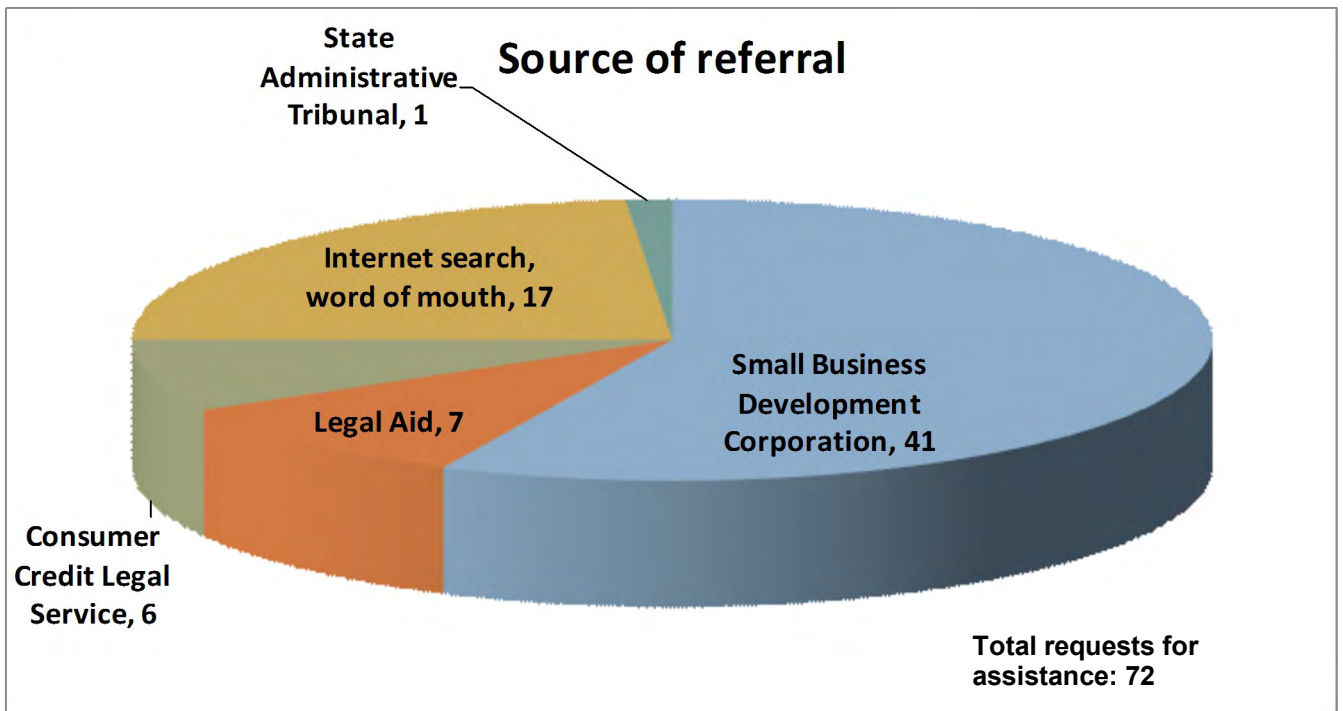
Final-year law students participate in the Law Clinic by enrolling in the Legal Clinic elective unit. Places are limited and enrolment is by application.

I look forward to working with the next cohort of Law Clinic students in applying their legal skills and knowledge to assist Western Australian small businesses.

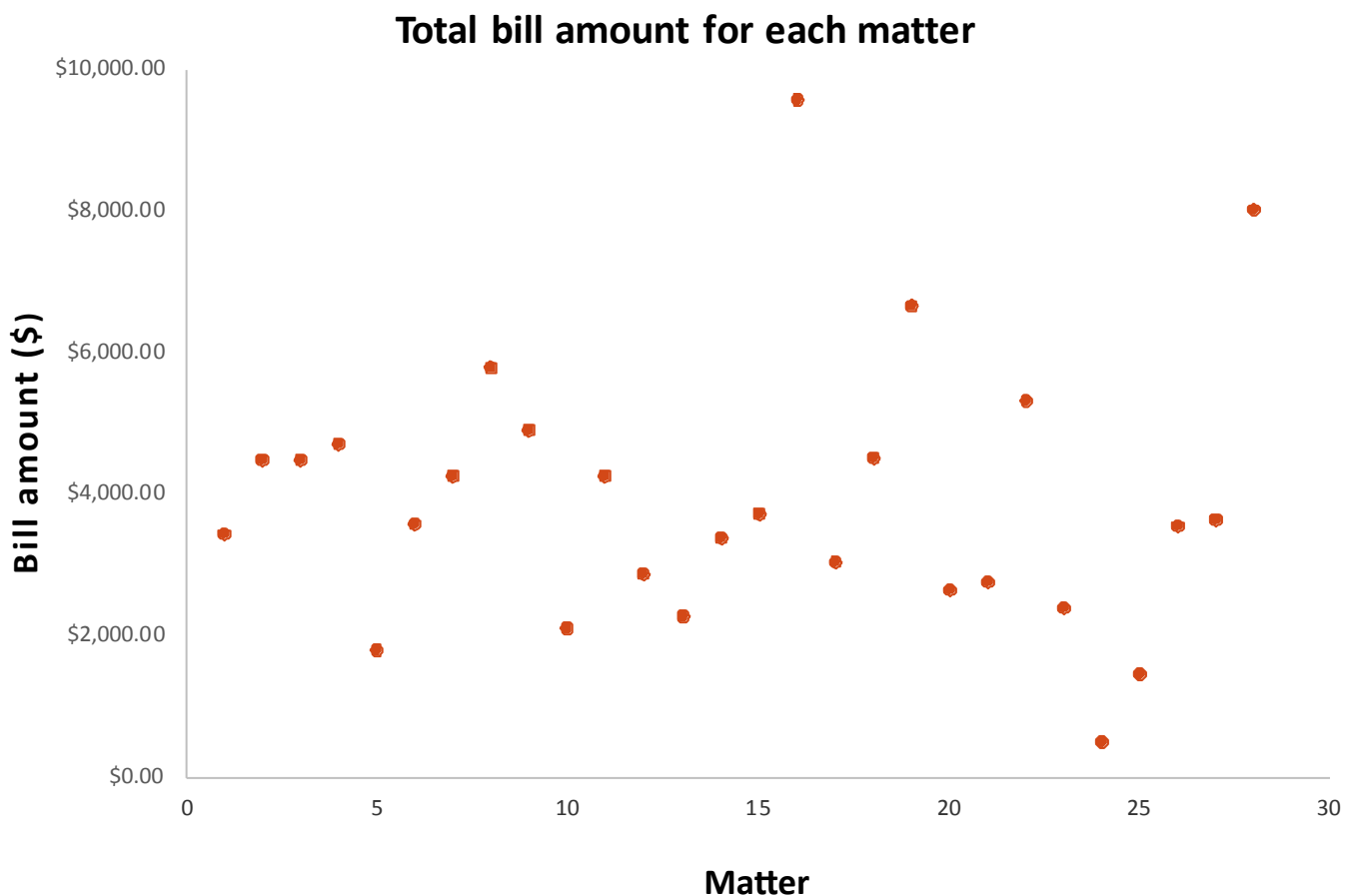
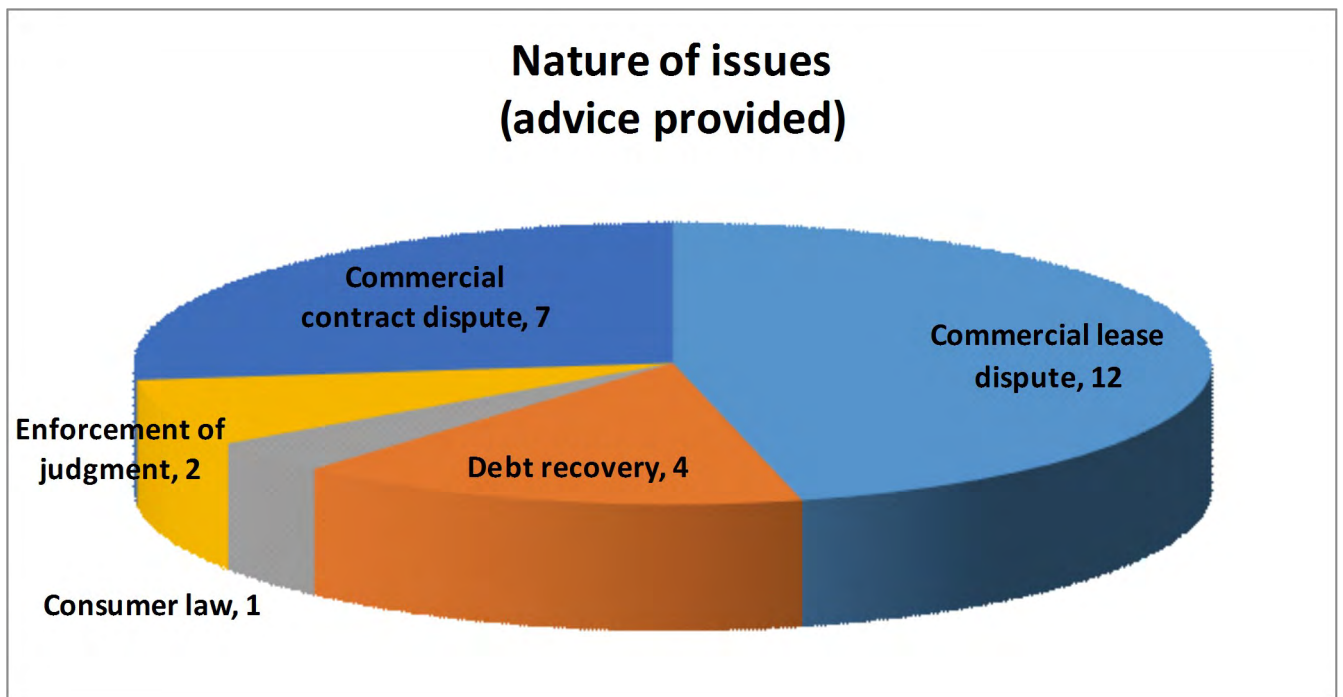
Rosaline Tan
Principal Lawyer
John Curtin Law Clinic



Key statistics



Key statistics



Legal Clinic LAWS3005

STUDENT ELIGIBILITY

Enrolment in the Legal Clinic unit (LAWS3005) in Semester 1, 2017 was by application. To be eligible to apply, students had to be a Curtin undergraduate law student and have completed Civil Procedure, Professional Responsibility and Corporate Law. They must also have completed, or be concurrently enrolled in, Trusts Law.

Some exemptions were granted in Semester 1 to allow students with adequate skills to participate in the Law Clinic.

TIME COMMITMENT

All Law Clinic students were required to attend:

- ◆ 4 induction and training workshops before the start of Semester, where they were trained on Law Clinic procedures and using the practice management database;
- ◆ 1 weekly rostered day (9am to 1pm) at the Law Clinic to meet with clients, manage files, perform legal work and carry out other professional responsibilities; and
- ◆ 1 weekly seminar (3pm to 4pm, Fridays) to attend guest lectures and to share experiences regarding legal professional practice.

WEEKLY ROSTERED CLINIC DAY

During their rostered session, Law Clinic students engaged in a range of professional activities.

These included:

- ◆ meeting with clients;
- ◆ taking file notes;
- ◆ drafting letters of advice;
- ◆ drafting court documents;
- ◆ carrying out legal research;
- ◆ discussing commercial, strategic and legal options;
- ◆ time recording; and
- ◆ managing files.

ASSESSMENT

Grading for the unit is Pass/Fail and is determined on the basis of the following components:

- ◆ File management (25%);
- ◆ Client interview (25%);
- ◆ Research report (25%); and
- ◆ Written advice (25%)

REGULAR MEETINGS WITH SUPERVISOR

Law Clinic students had different client matters with differing levels of complexity.

To ensure consistency in assessment, Law Clinic students also attended regular meetings with the Principal Lawyer.

UNIT LEARNING OUTCOMES

On successful completion of this unit, students can:

- ◆ ULO1: undertake directed legal research on specific matters and analyse and evaluate the results of that research (CLO3, CLO4, CLO5, T5)
- ◆ ULO2: engage professionally and appropriately with clients (CLO8, CLO9, T5)
- ◆ ULO3: make and communicate recommendations clearly and effectively, both orally and in writing (CLO1, CLO4, CLO8, T5)

AVAILABILITY

The Legal Clinic elective is being offered again in Semester 2, 2017. We have also started accepting applications for Semester 1, 2018.



Semester 1 seminars

DATE	SEMINAR TOPIC	SPEAKER	RESPONSIBLE STUDENT
3 March	Visit to the Small Business Development Corporation	Small Business Commissioner David Eaton	Sofia Varrichio
10 March	Practical legal workshop on small business issues**	Eileen Webb, Curtin Law School	Madisen Scott
17 March	Thinking outside the box: how to give commercially useful legal advice**	Julian Sher, Curtin Law School Student: Daniel	Daniel Busher
24 March	Written Legal Advice: What are you saying?	Paul D Evans, State Solicitor	Tanika Matic
	Written communications: who is your audience?		Student facilitated 1) Madisen Scott 2) Sita Samtani 3) Daniel Busher
31 March	Legal issues for small business (contractors/subcontractors) in the construction industry**	Matthew Lang, Jackson McDonald	Alina Andres
7 April	Commercial tenancies and lease perusals	Jim Mouzalidis, Small Business Development Corporation	Alexia Larcher
28 April	Barriers in access to justice, litigants in person		Student facilitated 1) Tessa Richardson 2) Sofia Varricchio 3) Tanika Matic
5 May	Visit to the State Administrative Tribunal	Dr Bertus de Villiers, SAT Member	Tania Joppich
12 May	Time recording, ethical questions		Student facilitated 1) Tania Joppich 2) Alexia Larcher 3) Alina Andres
26 May	Q&A on small business issues, trust structures and the practice of law**	Amanda Liston, Liston Legal	Nadine Elmowafy
2 June	Tax law and small businesses	Rob Sceales, Sceales Lawyers	Rowan Ratter-Stotesbury
	Reflective legal practice		Student facilitated 1) Nadine Elmowafy 2) Rowan Ratter-Stotesbury 3) Hameed Ahmad

** Curtin students enrolled in the Internship program also attended these seminars

Acknowledgements

The activities of the John Curtin Law Clinic were made possible thanks to the support of many individuals and organisations. We would like to thank, in particular:

- ◆ Amanda Liston, Amanda Liston Legal
- ◆ Anna Copeland, Director of Clinical Legal Programs, Murdoch University
- ◆ Associate Professor Anna Cody, Kingsford Legal Centre
- ◆ Associate Professor Eileen Webb, Curtin Law School
- ◆ Associate Professor Jane Power, Director, Professional Legal Education, University of Notre Dame
- ◆ Craig Smart, Craig Smart Media
- ◆ Darcy Thompson, Jackson McDonald
- ◆ David Eaton, Small Business Commissioner
- ◆ Dr Bertus de Villiers, State Administrative Tribunal Member
- ◆ Emma Golledge, Principal Solicitor, Kingsford Legal Centre
- ◆ Faith Cheek, Principal Legal Officer, Mental Health Law Centre of WA
- ◆ Gemma Mitchell, Consumer Credit Legal Service (WA) Inc
- ◆ Irene Baghoomians, University of Sydney
- ◆ Jacky Finlayson, Executive Director Small Business Services
- ◆ Jim Mouzalidis, Small Business Development Corporation
- ◆ Marc Finn, camera operator/editor
- ◆ Matthew Lang, Jackson McDonald
- ◆ Paul D Evans, (then) State Solicitor for the State of Western Australia
- ◆ Rachel Spencer, Director of Professional Programs, University of South Australia
- ◆ Rob Scales, Principal, Scales Lawyers
- ◆ Sonja Kaban, Small Business Development Corporation
- ◆ Waseem El Faouri, LEAP



CONTACT:

John Curtin Law Clinic
Curtin Law School
Curtin University

57 Murray Street
Perth WA 6000

Tel: +61 8 9266 9900
Email: lawclinic@curtin.edu.au
Web: curtin.edu.au/lawclinic

CRICOS Provider Code 00301J