Adelaide Magistrates Court Legal Advice Clinic

Part A: The introduction of a clinically based legal advice clinic in the Minor Civil Claims Jurisdiction of the Adelaide Magistrates Court

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Adelaide Law School introduced a Clinical Legal Education program in 1997. Funded by the Legal Practitioners Excess Guarantee Fund[1], and offered as an elective subject to final year students, the course was developed as a community sector based externship program, with a classroom component, and graded assessment based on written work.

In 1998 a small clinic at the Commonwealth Administrative Appeals Tribunal was offered for two semesters, in which I, in my capacity as CLE lecturer, supervised two students on site at the AAT, offering advice and assistance to unrepresented applicants. The Clinic provided assistance with legal research, completion of Tribunal documents (such as statements of facts, issues and contentions) and, very rarely, representation. Consistent with the philosophy that the AAT is a jurisdiction suited to the self represented litigant, the clinic had a strong self help focus, aiming to educate applicants to manage their own cases, or negotiate outcomes without the need for a hearing.

At the same time, a strong cooperative relationship with the Adelaide Magistrates Court developed, with the court taking two or more students on externship placements as part of the Clinical Law Program each semester, where they worked with Magistrates and on policy initiatives within the court.

Despite the success of the externship program, opportunities for a stand alone clinic were always high on the agenda, however lack of

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1 The Legal Practitioners Excess Guarantee Fund distributes, usually for the promotion of legal education initiatives, funding derived from interest on professional indemnity insurance premiums payable by legal practitioners.

University funding to staff and maintain a clinic suggested that collaboration was necessary for a sustainable project to be developed.

In 2001, supported by a Strategic Initiative Grant from Adelaide University, the Law School developed on a trial basis a legal advice clinic at the Adelaide Magistrates Court, with a view to evaluating the potential for a sustainable off-campus legal advice service.

Why the Magistrates Court?

The Adelaide Magistrates court introduced its Minor Civil Claims jurisdiction in 1995[2].

The jurisdiction was created in direct acknowledgment of the fact that very many claims involve relatively minor amounts of money, yet application of the standard, formal, court processes rendered their resolution disproportionately complex, time consuming and costly.

The minor civil jurisdiction exists to address claims for less than $6000[3].

In common with many such small claims jurisdictions, the SA Minor Civil Claims jurisdiction is designed to operate without lawyers. Legal representation at the hearing of a matter is expressly prohibited[4], and the Court is directed to adopt an inquisitorial approach to the determination of facts in any matter before it[5]. The Court is not bound by the rules of evidence[6], and is directed to act "according to equity good conscience and the substantial merits of the case without regard to technicalities and legal forms"[7]. Parties may have legal assistance in preparing documentation, but may not have legal representation in interlocutory processes without leave[8]. Costs awards for legal representatives, if available, are modest, and would usually fall far below the cost of such services to the litigant.

Whilst significantly streamlined, the basic pre trial processes are broadly in line with those in the general jurisdiction, with parties required to provide notice of their intended claim, file summons and statement of claim, defence, and, if so ordered to attend discovery of documents.

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2 Section 10A, Magistrates Court Act, 1991(SA).

3 Section 3 (1) (c) Magistrates Court Act 1991 (SA).

4 Section 38 (4). There are limited circumstances when representation must be permitted (section 38 (4) (a) (i) – (iii), s38 (4) (b)), and a party may be assisted by a person who is not a legal practitioner in certain circumstances (s38 (4) (d)).

5 Section 38 (1) (a) provides that the trial will take the form of an inquiry by the Court into the matters in dispute, rather than an adversarial contest, and section 38 (1) (b) provides that the Court will itself elicit by inquiry from the parties and the witnesses, and by examination of evidentiary material produced to the Court, the issues in dispute and the facts necessary to decide those issues. The Court may call witnesses (s38 (1) (c)), the parties are not bound by written pleadings (s38 (1) (d)), and the court is not bound by the rules of evidence (s38 (1) (e)).

6 s 38 (1) (e) *Magistrates Court* Act 1991(SA).

7 s 38 (1) (f) *Magistrates Court* Act 1991 (SA).

8 Section 38 (1) (ab), *Magistrates Court* Act 1991(SA).

However the amount of detail needed, and the availability of processes such as discovery, are greatly simplified. Interlocutory processes, for example, for the setting aside of judgment, or more complex procedural needs, are available, although in my experience litigants may not always be aware that such processes can be utilised.

With most parties self represented, pleadings are often rudimentary, and the true nature of the dispute may not be apparent until the matter is presented for hearing. Unlike other jurisdictions, parties are not bound by pleadings[9]. Parties may well attend the hearing without necessary documentation and witnesses, and often with little idea of the nature of the fact finding process they are about to face. It is fair to say that many litigants expect justice, but have little if any idea of how the facts of their case must be presented and evaluated in order to produce a legal outcome. Whilst many cases are indeed straightforward, some, due to the nature of legal issues, or convoluted fact situations, are extremely complex. Significant complexity also arises in the determination of jurisdiction of the Court to deal with various statute based legal causes of action. Whilst the Court is not bound by the rules of evidence, it must still reach a decision guided by the law. The legal niceties of proof and evidence are not well comprehended by litigants who may have a very clear perception that they have been wronged, but no understanding that the court is bound to reach a resolution in line with available evidence, and substantive legal principles.

The Minor Civil Claims pre-trial process is aimed to assist parties to prepare for the hearing with at least one directions hearing at which they are provided with information about process, and the need to produce witnesses and documents at the trial[10]. This directions hearing also addresses the options for referral to the Court's *pro bono* mediation scheme[11], and other resolution options. However, for many litigants the very nature of the legal process remains confusing and obscure, and this necessarily impacts upon their ability to present a case that must, even at a rudimentary level, satisfy certain basic legal requirements. The inquisitorial nature of the process in conjunction with the appearance of parties in person places additional responsibility on Magistrates to ensure not only that they are impartial, but that the appearance of impartiality is preserved.

In South Australia, legal representation from the Federal/State funded Legal Services Commission has not been available for civil matters since Federal legal aid funding cuts in the late 1990's[12]. Community Legal Centres also operate with limited funds, and few are in a position to provide representation in civil matters.

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9 See note 6 above.

10 The Court has also produced a video to assist litigants through the process.

11 The Court has had a focussed mediation program for several years, and in collaboration with the legal profession in South Australia, offers a *pro bono* mediation service for litigants, which is integrally linked with the pre trial processes offered by the court.

12 Fox, RW *Justice in the Twenty First Century* 2000 Cavendish Press, outlines some of the consequences of decreasing legal aid funds.

With mounting public and political pressure on the institutions of justice, civil courts and tribunals increasingly recognise that many litigants before them will be unrepresented, and have made efforts to produce assistance in the form of written material, personal and telephone advisory services[13]. The courts also recognise that highly legalistic and formalised court processes are mystifying to many litigants. Whilst the principles in the *Dietrich* case[14] may provide relief to unrepresented persons facing serious charges in the criminal jurisdictions, there is no similar principle for persons engaged in civil litigation. There is also the potential for corporations, with far superior organisational support and individual expertise, to use small claims jurisdictions as a cheap, and by implication overbearing, debt collection venue[15]. Whilst it is well beyond the scope of this article to consider issues of attainment of social justice in small claims jurisdictions, it is notable that few if any clients have presented to the clinic in response to coercive or overbearing debt recovery practices, but that clients do often have an imperfect understanding of their right to challenge debt, or to make the recovery process more suitable to their circumstances.

Despite the development of material and information to support unrepresented litigants through the court process, the reality for many parties is that the complexity of the legal process is no less acute in a minor civil context than in the Supreme Court. Whether the case is for $2500 or $2 500 000, one must establish a cause of action, facts material to that cause of action, and evidence sufficient to persuade a judge that the claim is meritorious. These are entrenched legal concepts that mean little to the average litigant, yet they bind the decider of law and fact, even where procedure is informal, and if they are not established, the claim must fail. The legally logical process of establishing something as simple as a contract may seem self evident to a lawyer, "ticking off" the requirements of offer, acceptance, consideration for value, and breach, but it is a rare litigant in the minor civil jurisdiction who will come to court with documentation or evidence to establish those four basic steps that must underlie any finding in their favour.

Against this background, there were several motivating factors for proposing a clinic in the Magistrates Court.

Firstly, there appeared to be value in providing advice and guidance to litigants in the Minor Civil claims jurisdiction in four key areas:

- Dispute resolution
- Identification of cause of action or defence (pleading)
- Case evaluation
- Preparation for hearing

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[13] The Magistrates Court is no exception, offering telephone advising, advice at the counter, and written material.

[14] (1992) 109 ALR 385.

[15] E Clark "Recent Research on Small Claims Courts and Tribunals: Implications for Evaluators" (1992) 2 *Journal of Judicial Administration* 103 at 114.

The value accrues in four contexts:

- To the clients, who are assisted with litigation in a complex legal environment, and who are empowered to manage their own cases, and in making the encounter with the court system more meaningful and apparently fairer to the self represented litigant[16];

- To the court, which is presented with more clearly articulated pleadings, parties better prepared for hearing, and which has a referral point for litigants requiring advice beyond that which court staff are authorised to provide;

- To the Law School, which can offer an experiential learning placement to students; and

- To the community, in contributing to scarce legal advice resources, and thus enhancing access to justice and confidence in the fairness of the system in a broader sense.

It might be argued that providing legal advice in a jurisdiction which is designed to operate without lawyers is defeating the purpose of the jurisdiction. Are we not simply offering in another form what has been deemed unnecessary in the interests of expediency and efficiency? In reality, the introduction of such jurisdictions is as much a response to economic pressures and perceived imbalance in the achievement of justice for a small sum at relatively high community and individual cost, as they are a reflection of any ideological position. Whilst fully blown representation at a cost of thousands of dollars in a matter worth only $6000 in total is indeed incongruous. It can well be argued that it is consistent with the provision of streamlined processes and timeframes, also to provide a streamlined legal advice option.

Moreover, the provision of legal assistance with a self help, problem solving focus, does not add delay, detract from the Magistrate's inquisitorial approach, or increase the cost of proceedings[17], as might be the case if clients were legally represented throughout the course of the case. On the contrary, a legal advice service such as this offers an accessible means of addressing blockages in the system by assisting parties with single complex procedural or substantive legal issues, that would otherwise take significant time to address, due to lack of expertise of the lay person. Parties can obtain assistance to address such complex issues and then

[16] Clarke, Above at n 51, at 117, discusses empirical research indicating that satisfaction with informal or formal court processes is primarily guided by perceptions of fairness in process.

[17] Clarke, Above at n 15, at 116 itemises the range of evils said to emanate from lawyer involvement in small claims jurisdictions.

move on to manage or resolve the matter themselves. The service thus facilitates the effective management of cases by offering a point of reference for particular difficulties, whether these be the cause of complex legal procedural or factual issues, or the special needs of clients. It is not unusual for a client to attempt minor civil action to achieve an outcome that is far better met through another process or Government agency. The clinic can not only refer clients to other resources, but can explain in detail the interrelationship of different avenues so that clients can progress matters themselves.

Minor civil jurisdictions have never proceeded on the basis that they offer rough justice, or that they are less important than other jurisdictions. Whilst it is clear that there is the potential for pragmatic resolution of matters, even a comparatively modest claim may represent significant value for the litigants, and require the determination of complex legal and factual issues before a decision can be made. Whilst the matter may be comparatively small in value, it is important to the parties, and no less deserving of a credible resolution process than any other matter. Limited legal assistance can be a key factor in facilitating justice access even in a simplified court process.

The Adelaide Magistrates Court civil registry is notable for the extent of advice and support offered to litigants. However, Court registry staff, and judicial officers, are limited in their capacity to address issues, being unable to put themselves in the position of advisor to litigants on matters of substance or strategy, yet often they are the only source of information to people with no alternative avenue for such advice.

Assistance with case evaluation, assistance with drafting, and preparation for trial, is a significant opportunity for parties to exponentially increase their capacity to engage in the system, expand their understanding of it, and remove existing pre conceptions that the system is frightening, brusque and not to be trusted[18].

The clinic does not undertake to represent clients as such, but to facilitate the clients' ability to direct themselves through the process. In that sense, such a clinic is simply a further layer in the advice and assistance that is already offered in a variety of formats by the court or other legal assistance organisations. However, a critical difference is the fact that an independent legal advice clinic can go further and address substance, merit and strategy, in a lawyer-client driven relationship. Indeed, the capacity to provide a qualitative assessment of the strength of a client's case, and realistically discuss costs, consequences, and alternatives, are critical aspects of responsible legal practice addressed in pre-requisites to this subject.

[18] It is an important part of preparing a client for trial to advise that the court has to deal with many cases, and will often ask quite precise questions as it knows what it is looking for, so that clients are not surprised by the business-like nature of many trial courts.

Thus the clinic provides active development and critical evaluation of concepts of responsible lawyering, as well as meeting the Court's focus on pro active alternative dispute resolution[19].

For the law school, the clinic offers a valuable opportunity to offer a focused supplement to studies in most areas of civil law, disciplined legal research, and the capacity to build upon skills practised in conjunction with the study of Civil Procedure and Evidence, particularly interviewing, drafting pleadings, discovery, case management and court process generally. More importantly it provides the true focus of any clinical experience, which is the opportunity to critically evaluate the processes, interests, theories, and concepts embedded in our legal system. At a time of great procedural change in our civil justice system, the opportunity to critically evaluate the impact of new philosophies of civil justice delivery against concepts of fairness and access is an important opportunity.

Setting up

In 2001, after consultations with the Courts Administration Authority, a pilot clinic was set up. The clinic consisted of two final year law students enrolled in the Adelaide University Clinical Law subject. As an insured practitioner, I was able to supervise the students myself .

Three basic propositions underpinned the pilot program:

- That the students would always be under the supervision of an admitted insured practitioner;
- That the advice clinic was independent of the Courts Administration Authority, and the courts; and
- That the students would be active learners, not observers.

The court provided support in the form of a room, telephone access, and referral of clients to the clinic. Once referral was made, the person was taken on (or not) as a client of the clinic, and any further communication with the court was strictly in the capacity of a representative of the client. Whilst the availability of the clinic is generally known, most referrals are as a consequence of clients seeking advice on complex matters, on the merits of their case, or on resolution options, that can not be addressed by court staff. Clients with complex debt issues are also referred. In all respects the clinic operates as a law firm, with similar procedures for conflict checks and file management. Clients are advised at the outset that the clinic is free, that it was run by students under the supervision of a practitioner, that the focus is self help, not representation, and that the supervisor can decide at any time to cease acting for the client. As is probably

[19] Often the most effective outcome of legal advice is that the client will for the first time contact their opponent with a view to discussing options for resolution.

always the case, a very small number of clients have problems that cannot be addressed by the clinic, or indeed, by the legal process, and representation of those clients is ceased, as further representation would be beyond the scope of the clinic. Similarly, a very small number of clients who would gladly return for ongoing legal advice have not been offered ongoing support, particularly where assessments of merit suggested that to do so might conflict with ethical obligations not to pursue hopeless cases[20].

The court was and remains highly supportive of the project, whilst maintaining arms length from clinic operations. Court staff and judicial officers provided timely and patient advice to students on the vast range of matters that students raised with registry staff. Although students are usually required to "work it out" themselves as a legal research process, some issues do not necessitate extensive research by students, and are better dealt with by asking questions of the right people.

Students are also charged with the job of writing up "briefing notes" on procedural and substantive legal issues that they encountered and resolved on placement. Unfortunately for future students, those briefing notes are not always made available, as it is considered important that each new group of students work through these issues for themselves, rather than rely upon the work of others.

The clinic has a series of objectives:

- To provide high quality legal assistance in an area of legal need;
- To provide students with meaningful educational experience in a practical context;
- To increase the efficiency of the court system in dealing with unrepresented litigants;
- To inform litigants of the court process and their rights; and
- To enhance access to justice by direct advice and education.

Students are required to participate in a pre-placement training program, dealing with practical issues of file maintenance and administration, dealing with clients, ethics and professionalism. They are also required to have completed pre-requisite subjects in civil procedure and litigation practice. The students thus come to the clinic with a working theoretical knowledge of procedural law, and significant Law School education in litigation practice.

Students are then involved in a series of induction activities, including complex interview roleplay, preparation of flow charts showing court processes, familiarisation with court processes and publications. They

[20] Students learn very early to distinguish their compassion for clients' circumstances from viable avenues of legal redress. They must also evaluate, at some point in their placement, the need for a person to be heard, to "to tell their story" against responsible use of court resources and the proper role of the courts in the community.

observe directions hearings, small claims hearings, debtors court, phone advisory service, mediation, as part of an integrated program of activities that occurred during clinic operating hours. They also observe, both with and without their supervisor, trials in the District and Supreme Courts. They are expected to identify and investigate the services, both legal and not legal, that clients with multifaceted problems can be referred to.

These activities take place alongside day to day client work, and are designed to provide context and depth to the placement.

Adelaide University students participating in the course as part of the CLE program are also required to undertake a major project of relevance to the placement as part of their assessment. Clinic students are therefore able to develop practice manuals, educational material for clients, and discussion papers on issues of interest in the clinic. Future projects will include evaluation of the inquisitorial role of magistrates, justice access issues in small claims jurisdictions, and preparation of information packages for potential users of the courts system and their advisors, for distribution to CLC's and similar organizations.

Partnership with Flinders University Law School

In accordance with the Court's stated requirement that any court supported initiative be available to both Law Schools in South Australia, Flinders University Law School was invited to participate in the clinic for a trial period over the summer. For this period 4 students from each of the two schools, supervised by teachers from both schools on an alternating basis, attended the clinic for two days per week. Whilst Flinders students were not participating in the clinic as part of an assessable course, and did not have to complete a project, all other activities are offered to them as a necessary part of obtaining a broad understanding of the context of the clinic in the wider legal system

Much has been written elsewhere about the values of experiential learning for students. The very process of interviewing a client, discussing the interview with a supervisor, prior to going back to the client, teaches students a range of key skills:

- The capacity to arrange cogently and convey a client's story; the capacity to identify issues arising out of that story;
- Appreciation of the need to evaluate facts and issues against legal criteria, and to include in any evaluation the non-legal issues implicit or explicit in the clients presentation;
- The importance of precise and prompt recording of dealings with clients; and
- Precise and focussed research to a relatively limited time frame.

It also offers valuable opportunity to evaluate thematic material such as the purpose and efficacy of client centred interviewing[21], the socio-political dimension of justice access, the capacity of the legal system or the lawyer to address multifaceted client problems from an often starkly real perspective.

As a clinical teacher, the opportunity to work closely with students on placement is always a welcome one, providing insight into student learning processes, and much material for discussion with entire classes of students. The potential for exploration of ideas of legal ethics, justice access, and the strengths and limits of the legal system, is also a key feature in the structure of the clinic environment and its interface with the class room component.

The observation of students' development during the placement is of endless fascination to a clinician. Students uniformly start off with a high level of anxiety, even if they are trying to conceal it. The first interview is dreaded, yet once done, students feel empowered and motivated. My first two students strongly advocated flying "solo" in interviewing as soon as possible, on the basis that having the responsibility was the most important aspect in settling nerves and sharpening the intellect. The bonding that occurred resulted in a strong collegiate relationship, with students listening to and supporting each other, and clearly valuing each others' contribution and perspective.

In the second phase, with 8 rather than 2 students, from different institutions, exactly the same phenomenon occurred, with students showing respect and regard for each others' strengths and differences, and clearly recognising the value of collaborative work processes. Whilst there were notable differences in temperament and approach amongst the students, they showed maturity in dealing with each other, and visibly learned from each other on a daily basis.

The most challenging role from the supervisor's perspective is curbing students' enthusiasm to be on with the next task, requiring them to complete the last task, often to a seemingly tedious level of perfection. The idea of the red tape and paper shuffling of life in a real legal office is as much a part of the learning process as are the more exciting activities. Requiring students to do a "quality audit" of the previous semester's files was an effective, and non-personally threatening, way of ensuring that necessary lessons about quality standards were learnt.

Sitting back and letting students learn by experience is also a challenge. The self discipline in not telling them what to ask, what to do, what to expect, what to look out for, but allowing them to identify and explore those questions, is of course crucially important in experiential learning of this nature. Some students learnt hard and disappointing lessons, that clients don't always tell the truth, that sometimes they just don't want to

[21] See above, at n 20.

go on with a case, or that sometimes they just won't let it go. Then, the role of the supervisor is to revisit and evaluate what happened, with a view to establishing if any aspects of process could have influenced such an outcome, or if there are other factors that are playing a part. There are also valuable opportunities to address the capacity of the legal system to address client issues, at a time of ever more strident criticism of the relevance and accessibility of court process. Certainly there is ample opportunity to discuss the reason why some lawyers seem to get cynical, and reinforce the basic values of respect for clients' individuality and autonomy as an intrinsic feature of the lawyer-client relationship.

A strong focus on positive reflective learning processes, assisting students not to condemn their failures and oversights, but to understand why they happened and how they might minimise their occurrence in the future, is essential to a positive learning process. Announcements that "I will never believe a client again" after finding that a client has exaggerated or concealed information must be met with a discussion of the reasons why a client may so behave, the value of a trusting relationship between lawyer and client, and the proposition that a lawyer should enter the relationship with an assumption of trust tempered with objectivity. Students also begin to understand where their professional responsibility ends, and not to berate themselves for things that are beyond their control. They begin to develop a much clearer understanding of where they as future professionals fit in the legal and broader community framework.

As a clinical law teacher managing an externship program with a classroom component, the opportunity to run a legal advice clinic is of significant value in maintaining understanding of students' learning processes, and issues in a practical learning environment. Expanding the clinic to include other practitioners from Flinders University adds a new and welcome dimension, to work with other experienced practitioners in a legal practice environment. The opportunity to engage in an intense intellectual and philosophical debate with students is a valuable one, providing insight into their learning and developmental processes. As most clinicians report, it also provides frequent and often astonishing insight into our own learning and developmental processes.

Sallying forth

After a short period of hiatus in first semester, during which Flinders University maintained a skeletal service, the clinic resumed in second semester, with a full complement of students, supervised one day per week by me from Adelaide and three academic staff from Flinders. It is our ardent hope that this clinic, and perhaps others like it, will become a permanent feature of the legal community in South Australia.

An outreach program, to Courts in the Northern and Southern suburbs, will be developed in second semester, on a "needs" basis. Part of

the grant is to facilitate the production of additional training material on substantive legal issues most likely to be encountered on the clinical placement, which is likely to be undertaken by the Legal Services Commission which already has an extensive training and induction program for employed solicitors or students on Practical Legal Training placement. This facilitates another valuable linkage with the legal services community in South Australia.

Proposals for teaching of the classroom component of the CLE course off site are in development. Whilst the philosophy of the CLE program at Adelaide, being primarily an externship program, has had a strong emphasis on bringing students together for the theoretical component of the course, the availability of 8 students on site at the court enables a less structured, opportunity based teaching structure, that will draw directly on experiences as they arise to prompt discussion of weekly thematic teaching material.

Funding

Perhaps most remarkable about this initiative is that it was started with virtually no external funding. The contribution of space and some resources by the court, supervision time by the teachers from the respective schools, and limited material resources from a Strategic Initiative[22] grant of several thousand dollars from Adelaide University, has enabled the first stage of the trial program to be run at very little cost. Collaboration between the two law schools and other stakeholders, including the Court and the profession, will be a key factor in its future viability.

The Legal Profession in South Australia, which has a strong record of *pro bono* work, has through the Law Foundation of South Australia offered a grant to fund the clinic for a period of one year. This funding has enabled the purchase of basic office supplies, the development of focussed training program for students, and the capacity to employ a solicitor on a casual basis to provide continuity in supervision, and enable other academic and teaching commitments to be met[23].

The Law Foundation Grant is for $16 000 for one year, most of which will go towards supervision costs, training, and some setting up costs. This is a very modest sum indeed for a clinic that will have a real impact on the provision of legal services in an area of need, and provide exceptional experience for around 30 students per annum.

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[22] This grant was for the development of clinic initiatives generally, and there are currently two similar initiatives in other jurisdictions being investigated.

[23] Neither School recognises supervision time as such as a component of academic workload.

Practice and philosophy

Clinicians must often be faced with the dilemma of providing free legal services in areas of legal need against the perceived obligation of the Government to provide such services with proper paid recognition of those providing them. At best such responses can only provide a fraction of the services needed within the community, although with a strong self help/educational emphasis, some broader impact is achievable. For the pragmatist, the reality is that there is increasing incidence of unmet legal need in our community, and clinics such as this are one way of meeting that need at the same time meeting educational goals. It is logically attractive to take this argument one step further, if one accepts an implicit obligation of institutes of learning to make some contribution to the public good. By facilitating student advice clinics such as this one, our institutions are making a significant contribution at a very modest cost. Some would see this as exploitation, of the institution or its students. There is also the criticism that using students to represent the disadvantaged is exploitative as it offers less than complete representation to those who cannot afford a practitioner, or that such services enable governments to justify decisions not to provide a proper level of funding for legal aid and community legal centres. Whilst much of this criticism has been addressed elsewhere[24], it should not form the basis for withdrawal of such services. The reality in our community at the present time is a politically-driven withdrawal of Government funding for community services, in favour of reliance upon community provision of necessary services[25], and a tertiary institution with a ready supply of students engaged in a liberal educational experience is well suited to engaging in the delivery of such services.

Such activities can be seen as a positive opportunity for the institution to make a valuable contribution, whilst offering an excellent educational opportunity, as well as a clear statement of commitment to *pro bono* work as part of the legal profession. Indeed, one of the most common outcomes of the CLE course is a statement by students that they will always make time for some sort of *pro bono* contribution, and even if they do not, the realisation that the context and complexity of law makes it practically inaccessible for many in the community is a lasting and important message[26]. Many of the 300 or so students who have done the CLE course at Adelaide University over the last 6 years maintain some degree of involvement in community legal service or *pro bono* legal work.

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[24] Rice and Coss, *A Guide to Implementing Clinical Teaching Method in the Law School Curriculum* 1996 Centre for Legal Education, address some of these concerns.

[25] By way of example, the devolution of responsibility for such services as job seeking for Centrelink claimants, or the provision of Community Legal Services, with major church and corporate groups.

[26] I have recently observed with some satisfaction the preponderance of past CLE students who are volunteering their time on a pro bono basis to assist with the representation of refugees in South Australia at the present time.

Perhaps then the most important outcome of such services is not the 200 or so members of the public assisted in a year, who are but a small proportion of those in need of services, but the future lawyers, who are developing understanding of the complex interrelationship of law and society, the contradictions and inequities in our community and our legal system, and the responsibility of lawyers individually and collectively to influence just outcomes in this environment.