

**▲ FITZROY
▲ LEGAL
▲ SERVICE INC.**



**VOLUNTEERS
TRAINING MANUAL**

2011

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1. SERVICE GUIDELINES

1.1 Hours of Opening

Day Service: Monday – Friday 9 am – 5 pm. Clients are seen by appointment only, except in emergency situations.

Night Service: Monday – Friday 6.30 pm – last client intake 8 pm. Drop in service; no appointment necessary.

Richmond Outreach: Tuesday 6.30pm – 8.00pm; appointments are required, by contacting Fitzroy Legal Service.

Financial Counselling: Financial counselling services are available at FLS on Tuesday and Thursday mornings. Appointments 10am to 12 midday.

For Financial Counseling appointments please leave message with Administration Officer to follow up.

1.2 Catchment Area

If people ring from outside the catchment area we suggest their nearest community legal centre. For a variety of reasons people from outside the catchment area may still attend FLS. We provide advice to people from outside the catchment area at the night service.

Our official catchment area is to those people who live, work or study in the suburbs of Fitzroy, Collingwood, Abbotsford, Clifton Hill, North Fitzroy, Brunswick, Carlton, Richmond and East Melbourne. The Financial Counseling catchment is more limited covering only Carlton, Fitzroy, Parkville, including Melbourne University and RMIT.

1.3 Telephone Advice

FLS does not give legal advice over the telephone.

(For more information about Service Guidelines please refer to s.3.1 of the FLS *Policy and Procedures Manual* ('FLS P&PM'))

1.4 General Principles of Operation

FLS operates in accordance with ethical principles of legal practice. All volunteers, and especially those qualified to provide legal advice, should be familiar with and provide advice in accordance with the following principles:

- FLS cannot act for both parties to a dispute. Should this situation arise, the person who contacted the service last should be referred elsewhere. A conflict of interest check must always be done prior to providing advice to

a client where there is another party. Conflict checks should always be undertaken where a person is seeking advice about family law, intervention orders, victims of crime, motor vehicle accidents, tenancy and property disputes and in some criminal law matters.

- A volunteer must not act for both parties in a dispute.
- Legal volunteers will not self refer.
- Legal volunteers will not advise a client in dispute with any person or firm that the solicitor represents in private practice.
- Confidentiality must be maintained by all volunteers and members of staff in relation to client matters.
- Volunteers must not take any file, documents from a file or any other casework material from FLS.
- All clients, volunteers and staff will be treated with dignity and respect at all times.

1.5 Conflict check

Avoiding Conflict of Interest at FLS

A conflict of interest may arise in a situation where a client's own interests, or the duty of the FLS towards another party, may compromise the way FLS carries out its duties towards those persons and organizations it represents.

FLS cannot act for two parties in a dispute. Should this situation arise the person who contacted the service last should be referred elsewhere.

Some examples include:

- two neighbours fighting over a fence;
- husband and wife in a custody dispute;
- the owner of a dog and a person who has been bitten by the dog;
- the drivers of all motor vehicles involved in the same accident; and
- a person who has been assaulted and the person alleged to have assaulted them.

A conflict of interest check must always be done prior to advising a client using the FLS client database "CLISIS". Please ensure that you spell the first and last name correctly of both parties. Double-check for any **obvious abbreviations** of those names that might accidentally be in the system (i.e. Abby – Abigael - Abigail). Where names are ambiguous, **double check by searching addresses and dates of birth.**

All reasonable efforts will be made to explain to the relevant party or parties why one side of the dispute will not be represented by FLS, and to make an appropriate referral to another service or practitioner.

People seeking advice from the night service are usually asked to complete an intake or details form that includes a question about the other party to the dispute. Based on this form, a conflict check should then be done by the Night Coordinator at the front desk before advice is provided to the person. If the client provides paralegals or solicitors with additional information regarding parties to the dispute, another conflict check must be done for those parties before proceeding with the matter.

A reciprocal arrangement exists whereby FLS takes referrals from Darebin CLC or Moreland CLC where there is a conflict of interest. Darebin takes referrals from FLS in similar circumstances.

When a conflict check has been completed, this also MUST be noted on the CLSIS Client Sheet. If a check is not necessary then simply put 'n/a' after 'Conflict Check Done'.

Common Night Service matters in which a conflict of interest may arise include but are not limited to:

- VOCAT matters
- Motor Vehicle Accidents (potential conflict is with the other driver not an insurance company)
- Family Disputes
- Tenancy Disputes
- Property Disputes
- Intervention Orders

FLS will not act for Victoria Police, government departments, local government, insurance companies or real estate agents. It is mainly individuals that are relevant when undertaking conflict checks.

Examples of potential conflicts of interest at FLS

Criminal Law

Example:

A prospective client is facing criminal charges. At the front desk, the client says that there are no other parties to the dispute, except for Victoria Police. After obtaining his charge sheets, it becomes apparent that the client has been charged with assault and that the victim's name is known.

STOP: Before giving any further advice, a conflict check must be done to see if FLS has previously acted for the victim. *Please note: with regards to criminal matters, FLS cannot advise a client on *how they should plead* if we have not seen the brief of evidence against them.

Motor Vehicle Accident

Example

A prospective client was involved in a motor vehicle accident last year. He is being hounded by debt collectors. The debt collectors are acting on behalf of an insurance company. We do a conflict check on the name of the debt collection agency as well as the insurance company.

STOP: 1) We must also do a conflict search on the names of any known individuals who were involved in the accident.

2) Please ensure that you write the name of the insurance company on the CLSIS intake sheet (as opposed to simply writing 'insurance company').

Child Support Payments

Example

A prospective client has received a letter from the Child Support Agency stating that their child support payments have been reduced.

STOP: According to information and letters provided by the client it may appear as though the other party to be conflict checked is the Child Support Agency. However, it is important to conflict check the names of both the child and the other parent who is involved in the dispute.

Family Disputes

Example 1:

A prospective client (A) has recently separated from their partner (B) and needs assistance in relation to parental responsibility and their children's living arrangements. A conflict search for (B) revealed that we acted for the ex-partner in 2002. In 2002 we acted for (B) in an industrial relations dispute concerning workplace discrimination.

STOP: We cannot act for A

Example 2:

A prospective client comes into Night Service for family law advice concerning parental responsibility arrangements. We make a careful conflict check for the ex-partner and children's names.

STOP: Ask if there are any grandparents or other parties involved in the dispute. If so, another conflict check must be done before proceeding.

Tenancy Disputes

Example

Jane lives in a share house with Tom and Jerry. Jane came to Night Service six months ago for advice concerning an eviction notice that they received. She was upset that the Real Estate Agency was refusing to return her bond and felt that they had made an unfair evaluation of the condition report. A conflict search is done for the name of the Real Estate Agency.

STOP: in tenancy disputes we must search for the names of all known co-tenants as well as landlords.

General

Sue and her brother Jim dislike their neighbors. The neighbors have recently taken out an intervention order against Jim. Jim cannot speak English. Sue's English is fluent. Sue has come to Night Service for legal advice without Jim.

STOP: A conflict search must be done on the neighbors as well as Sue's brother, Jim. We should only record Sue as a client. Jim can be recorded as a "related client" on CLSIS.

Two weeks later, Jim comes to Night Service on his own and asks to see a lawyer and use the telephone interpreting service.

STOP: As long as Jim is not an opposing party to any client of FLS, we can also record Jim as an individual client.

Two years later, Jim and Sue have an argument about an inheritance and want to seek advice.

STOP: We cannot give advice to Sue or Jim.

Common traps to be aware of

- Client does not understand the question on the intake form about "other party" and fails to answer the question adequately. As a result, the initial conflict check is inadequate.
- Failing to spell names or searching for abbreviated names
- Failing to enter date of birth on original client sheet. (If FLS does not have an original client's date of birth, then we may not spot a conflict of interest if the other party then seeks legal advice)
- Poor data entry – names have been incorrectly entered into the CLSIS database. When Night Service does a conflict check (correctly), the name does not appear
- Accidentally conflict searching the prospective clients name, finding them as an existing client and turning them away
- Failing to search for *all* parties
- Receiving additional information from a client, and failing to do a second conflict check with that information
- A note for Day Service volunteers doing CLSIS data entry: If there is an individual "other party" and an organization "other party" please put the individual's name as the "other party" in the database. *Example:* if CLSIS intake sheet states "Victoria Police" and John Smith (victim) as other parties, please enter John Smith's details in the system
- Remember to respect client confidentiality when explaining that there is a conflict of interest

Referrals to other CLCs where there is a conflict

For a comprehensive list of CLCs in Victoria, use www.law4community.org.au if you are unsure about which CLC to refer to or see www.communitylaw.org.au for a full list. CLC directories are also pinned up on notice boards around the office.

1.1.1.1 Darebin Community legal Centre

Phone: 9484 7753

9484 7783

Email: Darebin_VIC@clc.net.au

1.1.1.2 Moreland Community Legal Centre

Phone: 9383 2588

Email: info@morelandclc.org.au

1.1.1.3 North Melbourne Legal Service

Phone: 9328 1885

1.1.1.4 Women's Legal Service

Note: telephone advice for women only

Level 3, 43 Hardware Lane

Melbourne 3000

Phone: 9642 0877

1.1.1.5 Youthlaw (for young people under 25 years)

Phone: 9611 2412

1.1.1.6 Victoria Legal Aid

Telephone information (9am – 5pm) 9269 0120

General Melbourne Office Number 0269 0234

Family Law Administration 9269 0203

2. NIGHT SERVICE PROCEDURES

2.1 Para-legal Volunteers

The main role of the para-legal volunteer is to pre-interview the client and support the legal volunteer by taking notes, photocopying documents or information and carrying out any research that is necessary.

The purpose of the pre-interview is to identify the legal issues the client has and to write a brief summary for the legal volunteer. With the client's consent, the statistical section of the CLSIS Client Sheet should also be completed or double checked with the client if the client has completed this themselves. It is important to ensure that all sections of this form are completed including other party, date of birth, contact details and the type of legal matter. (This information is confidential and is collected and used in relation to on-going funding.)

In quieter times, volunteers can perform other administrative tasks that assist the smooth operation of the night service:

- filing;
- ensuring information brochures are neat and well stocked;
- updating loose-leaf publications;
- ensuring there are ample copies of all the necessary forms, e.g. CLSIS Client Sheets, Volunteer Intake Sheets;
- ensuring reception is tidy and presentable;
- being a 'buddy' for a new volunteer.

2.2 Legal Volunteers

The main role of the legal volunteer is to provide sensitive, high quality, accurate, confidential and individually tailored legal advice to clients of the night service.

FLS expects that all advice will be clear and up to date, and adequate to establish all of the apparent, relevant legal options for the client. Advice may be accompanied by any immediate, appropriate support, such as writing a letter or referral to one or more service providers.

For insurance and compliance reasons it is imperative that the legal volunteer ensures the following information is provided, and noted on the file.

- **LIMITATION DATES:** If there is a possibility that a limitation date may apply to the client's matter, the client **MUST** be informed. A note should be made on the file note and under 'Matter Details' on the CLSIS Client Sheet.
- **There is a table of current limitation periods on the back corner of the Centre Table.**
 - On the CLSIS Client Sheet the legal volunteer should also check that the following sections are complete and correct:
 - statistical information;
 - matter details, ie type of legal matter;
 - details of the other party if relevant;
 - that a conflict check has been undertaken.

Review of advice by senior volunteer or coordinator

Staff members or volunteers who are not qualified solicitors may obtain basic information about a client and the issue requiring advice. However, legal advice will only be provided by staff members or volunteers who are qualified solicitors.

(For more information regarding advice and casework please refer to s.3.6 of the FLS P&PM.)

2.3 Night Co-ordinator

The role of the 'night co-ordinator' is to organise and oversee the smooth running of the night service. Your co-operation with the 'night co-ordinator' is greatly appreciated.

2.4 Front Desk and Client Intake

Generally the Night Co-ordinator, with the assistance of an experienced volunteer, looks after the front desk. During times of training and/or induction a trainee will be buddied by the two volunteers staffing the front desk.

Currently we operate on a first-in first-served basis. When a client arrives the following process is completed:

- The client takes a number and then takes a seat in the waiting area.
- Clients are called to the front desk in numerical order.
- At the front desk the client's contact details are obtained, with a general idea of the area of law to which their issues pertain.
- If it is necessary, a conflict check is completed immediately.
- If the client has not previously accessed the service, a file number is allocated from the red book at reception and noted down in the Night

Service Book. A new buff file is made up with the client's name and file number down the right hand side in bold red letters.

- If the client has accessed the service before, their file is located and is given to a legal volunteer to review before seeing the client.

In the front office area, the only information that staff and volunteers should take from a client is their name, address, name of other party (for a conflict check) and general area of law relevant to their issues.

To maintain clients' privacy and confidentiality, any discussion between front desk workers regarding a client or their file shall be undertaken with discretion, away from the front desk and the waiting area.

(For more information regarding Privacy please refer to s.3.2.2 FLS P&PM)

2.5 Conflict Checks

As outlined above, conflict checks are necessary where there are two individuals involved in a particular matter.

(For more information in relation to conflict checks please see above s.1.5 and s.3.3.1.1 of FLS P&PM.)

2.6 File Management

To ensure effective case management and follow up, it is very important that our files are tidy and organised in a consistent way. It is imperative that any file notes are dated, and clearly identify the solicitor giving the advice and the para-legal assisting. All documents relevant to the legal advice should be copied for the file eg: letters drafted by FLS for the client, documents that the child is seeking advice about such as letters, contracts, submissions, etc.

The Principal Solicitor will oversee the legal advice provided by volunteers of FLS with the assistance of other lawyers from the day staff.

To assist with file management, volunteer intake sheets are located in the shelves behind the front desk. These provide space for all relevant information to be noted down.

All file notes should include a brief summary of the legal problems and/or questions the client has, followed by detailed notes of the advice given and/or referrals made.

File notes must be dated and clearly identify the solicitor giving the advice and/or the para-legal assisting.

Please keep in mind that FLS does not undertake ongoing casework for Night Service clients. FLS provides them with advice only, although there may be multiple advice sessions over an extended period. For this reason, all letters

drafted are to be printed on plain paper, not FLS letterhead; they are written in the first person and are signed by the client.

Useful precedent letters are saved in "\\fdata\data\16.Precedents" by topic. Volunteers are encouraged to add useful precedents to this folder for others to make use of.

2.7 Electronic file management

All letters drafted at the Night Service are to be saved onto the computer network. All correspondence should include the file number in the file name and be saved in the following path: \\flsdata\6. NIGHTSERVICE\CLIENTS by date.

Save documents as SURNAME GN Document description Date document created in the relevant month.

For example: BLOGGS JL Let to car insurance co. 310107
(meaning letter to car insurance company for Joe Bloggs created on 31/2/07)

(For more information regarding file management please refer to s.3.4 of the FLS P&PM.)

2.8 FLS Filing System

New Files These are opened on the night the client first attends the night service and are then placed in the 'to be reviewed' trays on top of the filing cabinet. These files are reviewed by the day staff over the following days.

Current Files Where a client is likely to return, day staff will place a review date is place on the bottom right hand corner of the front of the file. These files are current and are filed in the cabinet behind the reception desk, in alphabetical order.

Closed Files Initially closed files are filed numerically in the filing cabinets to the side of the reception desk. They are transferred to the compact storage area out the back as the filing cabinets reach capacity.

2.9 Communication between day staff and night volunteers

The best way for volunteers to communicate with the day staff about a client or other matter is to leave notes for day staff in the blue communications book, on a file or alternatively in the relevant staff members tray. Day staff can also be contacted by email or phone the following day.

Supervising day staff lawyers may provide feedback to volunteers about particular advice given. This is done using a form that will be placed in the communications book for the volunteer. After volunteers have read this feedback, the form should be placed in the designated folder on the filing cabinet in reception.

3. CLIENT CONFIDENTIALITY AND PRIVACY

FLS collects only personal information relevant to assisting with the client's problem or to improving FLS service delivery to the community. FLS aims to protect the privacy and confidentiality of personal information received regarding clients, volunteers, members, customers, research participants and staff.

All service users have rights. These are:

- The right to anticipate that only information relevant to their legal situation and to the activities of FLS is collected.
- The right to expect that their file and all related records are kept secure.
- The right to deal exclusively with paid and unpaid workers who have been fully briefed on privacy and confidentiality requirements.
- Where an interpreter is being used, the right to have that interpreter fully briefed on confidentiality requirements.
- The right to give or to refuse permission to be contacted at home or at work.
- The right to consent to the release of information, with some exceptions.
- The right to have access to their file as approved by the Night Legal Coordinator or the Principal Solicitor. Some exceptions to right of access exist, e.g. health and safety.
- The right to information on the limits of confidentiality and the FLS privacy policy.
- The right to know that information regarding their identity, health (e.g. HIV status) and problem type will remain confidential.
- The right to make a formal complaint about the service and to expect that this complaint will be fully investigated and resolved.
- The right to appropriate referral when Legal Service resources are unable to provide the required assistance.
- The right to make decisions regarding the conduct of their legal matter once informed of the options available to them.

To ensure the privacy of clients is maintained, please make sure that:

- All FLS workers, whether paid or unpaid, complete a privacy undertaking.
- Client files are not left lying around on desks in central work areas.
- Files are placed in appropriate trays for processing.
- Files remain closed when they are not being used.

(For more information on Confidentiality and Privacy please see s.3.2 of FLS P&PM.)

4. HEALTH AND SAFETY

4.1 General Guidelines

It is the right of every staff member or volunteer not to start or continue any activity where they feel that to do so would constitute an unacceptable risk to their safety or their health.

Every staff member, volunteer and client has the right to work and access the service in an environment free from sexual harassment.

(For more information regarding the FLS Sexual Harassment Policy please refer to s.5.2 of the FLS P&PM.)

Staff and volunteers shall:

- adopt safe work practices (this includes the use of devices, safeguards and equipment that are provided in the interests of health and safety);
- co-operate in all activities aimed at prevention of workplace accidents, injuries and illnesses;
- report all workplace hazards (e.g. unsafe or defective equipment and work arrangements) to the Co-ordinator;
- report all accidents, injuries and illnesses occurring in the workplace in the Register of Injuries and Incidents Notification Book at reception;
- attend training offered by FLS if it is relevant to their position;
- be aware of FLS policy and procedures relating to sexual harassment;
- ensure that their behaviour is such that it does not warrant allegations of sexual harassment against them;

4.2 Immediate Danger from Person or Persons

If any staff member, volunteer or other person is in immediate danger from any person:

- the police shall be called via the 000 phone number if possible;
- the staff present must decide whether to evacuate the building or, if the threat is contained/ended, notify all staff members and volunteers of the threat; and
- as soon as practicable, the Co-ordinator shall be notified, who shall decide on any further action that is necessary. The Co-ordinator shall also:
 - ensure that a de-briefing and/or counselling agency is contacted and that any necessary de-briefing/counselling is provided;
 - ensure that an Incident Report Form as well as Part C of the Hazard Report Form (Hazard Response Action Plan), as contained in Incident Report Form, is completed and signed-off on by the Implementation Committee.

4.3 Fire Escape Plan

Please see Emergency Procedures Handout.

Any person discovering a fire shall:

- remove any person who is in immediate danger, if safe to do so;
- close, but not lock, surrounding doors and windows;
- alert all people at FLS of the fire and its location;
- call the fire brigade (dial 000 and ask for the fire brigade);
- use extinguishers if safe to do so; and
- evacuate all people in the Centre to the car park at the rear of the building and remain at this assembly area.

(For more information on Health and Safety please refer to 5.3 of the FLS P&PM.)

4.4 Sexual Harassment Policy

FLS is committed to provide a service and employment environment that is free from sexual harassment.

Sexual harassment includes but is not limited to:

- sexually offensive staring, leering or gesturing;
- sex oriented verbal suggestions or propositions such as continual requests for dates;
- sexually based jokes, remarks or innuendoes directed at another person or in that person's hearing;
- physical contact of a sexual nature, such as patting, pinching or brushing up against a person unnecessarily;
- unwelcome questioning or comments of a sexual nature about a person's private life.

5. REFERRALS

5.1 Non-legal referrals

Many of the people who attend the night service have a combination of legal and non-legal issues. Frequently, in order to provide a holistic service, it is appropriate to refer a client to an agency providing specialist services. For example, if a client at the night service is facing imminent eviction it is important that we not only address their legal issues but also refer the client to emergency housing agencies.

The Resources bookcase has a current Community Directory. Where possible a client should be provided with at least two options, so that the choice of appropriate action is made by the client.

Brochures of local community agencies are also available in the waiting area.

In addition there is always the wealth of knowledge brought to the service by all volunteers. Remember: there is no such thing as a silly question.

5.2 Referrals to a Private Solicitor

A person is referred to a private solicitor if they are ineligible for the services of FLS, another Community Legal Centre or a Victoria Legal Aid office.

Generally, FLS refers clients to the Law Institute of Victoria Legal Referral Service for referrals to private solicitors. For Family Law matters, where FLS has some knowledge of appropriate referrals, clients are given an option of **three firms** to choose from a list. Copies of these lists are kept in the Family Law filing cabinet near the front office.

Clients are given an explanation of the rights they have in regard to seeing a private solicitor, through provision of the 'Checklist – Working with your Lawyer' document produced by the Legal Ombudsman. Copies are kept in the front waiting area.

Where a client has been referred to a private solicitor, it is noted on the client file with details including to whom and why they were referred.

Volunteers should not refer clients to themselves or to their own firm. This can only be done at the discretion of a day solicitor.

Volunteers who are able to refer clients to their own firm on a *pro bono* basis may do so, but only with the approval of the daytime solicitor responsible for supervision of their particular night.

5.3 Referrals to a specialist community legal centre

In some cases it may be appropriate to provide a referral to a specialist community legal centre. For a comprehensive list of CLCs in Victoria, use www.law4community.org.au if you are unsure about which CLC to refer to or see www.communitylaw.org.au for a full list. CLC directories are also pinned up on notice boards around the office.

The following is a list of some common referrals from the night service:

- The Mental Health Legal Centre provides a free and confidential legal service to anyone who has experienced mental illness in Victoria where their legal problem relates to their mental illness. Phone (03) 9629-4422. Night service telephone advice available. See http://www.communitylaw.org.au/mhlc/cb_pages/the_legal_centre.php
- The Disability Discrimination Legal Service Inc (DDLS) is a statewide independent community legal centre that specializes in disability discrimination legal matters. Phone (03) 9654 8644
- Villamanta Disability Rights Legal Service provides works on disability related legal issues focusing on people with intellectual disability. Phone: 1800 014 111. See villamanta.org.au.

6. LEGAL RESOURCES

FLS maintains limited hardcopy legal resources. The resources most commonly used by volunteers include:

- FLS' Law Handbook
- Springvale Legal Service – Lawyers' Practice Manual
- CCH Family Law Resources

FLS also has access to a number of online legal resources that are available as follows:

Legal resources available electronically from CCH

Go to: www.cch.com.au (login is located in the top right hand corner of the homepage)

username is: enquiries@fitzroy-legal.org.au

password is: fLs2010

Includes: Family Law, Environment, Employment and HR, Industrial Relations, Litigation and Court Practice, Social Security, Sports and Medical Law, Torts and Personal Injury Law (see detail over)

Legal resources available electronically from Thomson Reuters through the BBS (National CLC Bulletin Board)

To access, logon to the BBS/ First class icon on the computer.

Staff have their own passwords. If unsure see passwords document in day service/ day service casework admin/ passwords documents.

Otherwise use: username: flsvol and password: flsvol77

Then click on "online resources" icon, then "Thomson-Lawbook online" or @ symbol.

Includes: Lawyers Practice Manual Vic, Victorian Courts (see detail over)

Legal resources available electronically from Thomson Reuters online

Go to: <http://www.thomsonreuters.com.au/>

Your Username: fitzroylegal

Your Password: online

Includes: Criminal Law, Investigation and Procedure Vic (Freckleton), Online Commentaries, Ross on Crime, Uniform Evidence Law

Legal resources available electronically from Lexis Nexis

www.lexisnexis.com.au

Username: fclegal1

Password: mcmf65

Includes: Australian Family Law, Australian Family Law State Legislation, Bourke's Criminal Law Vic, Cross on Evidence, Motor & Traffic Law Vic, Williams' Civil Procedure Vic

7. CASEWORK GUIDELINES

The night service's principal responsibility is to provide initial advice to clients. This is often all the client requires. However, all volunteers must ensure that the file note includes all necessary information to enable another volunteer or day staff member to continue the advice if further client contact is necessary and to assist day staff to supervise the advice provided. The following is an outline of the types of matters FLS will provide or not provide advice about and the types of matters that should be referred to the day practice.

7.1 Criminal Law

FLS day practice will take on clients with criminal law matters where

- the case is legally aidable, or
- the client would like to and can afford to pay for representation. (i.e. they are working), or
- if a matter is listed at the Neighbourhood Justice Centre, and
- in some cases where a case is not legally aidable and a referral to the duty lawyer will not suffice.

Each matter is reviewed by the day practice to assess whether they are able to assist.

Please do not assume that a client is eligible for a grant of legal assistance just because they are impoverished. Check the Guidelines for Legal Assistance every time. Show the client the guidelines applicable to their case. Take note of the special circumstances criteria eg: disability, mental health, or language difficulties.

It is alright to give the client an idea of the likely cost of any litigation, as this is an important part of the information they need to make a decision about whether to proceed with litigation. However, please do not give clients "quotes" or the impression that Day Staff will be cheaper than another practitioner.

Making appointments for day staff

When seeing a client with a criminal matter, if the client requires an appointment please place the file in the Urgent Tray for the attention of the day staff and the Administration Officer or a lawyer will follow up. Advise the client to ring the next day for an appointment if they have not heard from day staff.

7.2 Family Law

FLS day practice will take on clients with family law matters, primarily parenting orders or child contact/ residence issues, where the case is legally aidable or the client can afford to pay for representation. (i.e. they are working). If the client requires an appointment please place the file in the Urgent Tray for the attention of the day staff and the Administration Officer will follow up.

Each **Thursday evening** FLS runs a Family Law Clinic. This is staffed by volunteer lawyers and barristers with specialist expertise in Family Law. 6.30pm to 8pm. As a general rule straightforward divorces, consent orders and matters of that nature can be dealt with by night legal volunteers.

There are 4 appointments available each Thursday night starting at 6.30pm, 7.00pm, 7.30pm & 8.00pm.

To book an appointment go to the Reception computer, open outlook, select public folders, all public folders, then family law clinic.

Day staff will not generally be able to undertake really urgent work. Urgent child recovery applications for example should be referred to the Duty Lawyer at the Court the next morning.

In the case of a conflict of interest or where FLS cannot assist, referrals can be made to the following:

Victoria Legal Aid – Family Law Unit:

Legal Assistance Family Law Administration: 9269 0203

Telephone Advice: 9269 0120

Women’s Legal Service

Telephone Advice: 9642 0877

Law Institute Referral Service

Telephone: 9607 9550

Website: www.liv.asn.au or referrals@liv.asn.au

7.3 Victims of Crime Assistance

FLS day practice will take on clients with applications to the Victims of Crime Assistance Tribunal. Each matter is reviewed by the practice to assess whether they are able to assist.

7.4 Infringements

Infringement matters are very common at the Night Service. We do try to have regular training in this area but there are also numerous resources that can be accessed if and when you have an infringement matter.

FLS day practice will take on clients with multiple infringements who meet the VLA criteria around Infringements ie are eligible to make an application to have their fines dealt with by the Infringements Court due to special circumstances. FLS may also assist clients who do not meet the VLA criteria but can have their infringements dealt with at the Neighbourhood Justice Centre.

There is an INFRINGEMENTS FOLDER in the resource shelves beside the centre table. This contains:

1. a step by step guide to the Infringements system;
2. examples of infringement and INFRINGMENTS court notices;
3. pro forma documents; and
4. reference material.

There are also a number of copies of the *PILCH 'Guide to dealing with fines in the Infringements system'* on the resource shelves.

7.5 Intervention Orders

FLS day practice will take on clients seeking or defending intervention orders where the case is legally aidable or the client can afford to pay for representation. (i.e. they are working).

Regrettably, the day staff cannot always undertake urgent work due to staffing constraints. Urgent Intervention Order applications should be referred to the Duty Lawyers at first instance, and advised to seek an adjournment.

7.6 Civil Law

FLS provides advice and is able to make referrals for civil law appearances and/or casework.

7.7 Unfair Dismissals

FLS provides advice and is able to make referrals for Unfair Dismissal Matters.

7.8 Wills and Powers of Attorney

FLS does not generally provide advice with matters concerning wills and probate. FLS is able to make referrals for these matters.

FLS provides basic advice and precedents to assist people to draft powers of attorney.

7.9 Matters of Public Interest

FLS day staff take on cases of public interest. Priority areas currently include:

- Police misconduct and police accountability
- Sex trafficking
- Discrimination
- Family violence and sexual assault
- Protester support
- Assistance for particularly marginalised and disadvantaged people in the community including indigenous communities, newly arrived communities and homeless people
- Criminal records
- Gender/ sexuality identification

7.10 Neighbourhood Justice Centre duty lawyer service

FLS day staff include two lawyers who provide a duty lawyer service at the Neighbourhood Justice Centre (NJC). NJC is a multijurisdictional court that focuses on early intervention and operates at a local community level. FLS lawyers at NJC conduct appearances and casework in the areas of law within the jurisdiction of the NJC. Volunteers can write memos to FLS lawyers to assist them to represent clients and make referrals by leaving notes on the file for day staff.

7.11 People with drug and alcohol related legal issues

FLS day staff includes a lawyer who assist people who have drug and alcohol issues with their legal issues. This can be a wide variety of legal problems and includes infringements, VOCAT, criminal law, debts, family law, etc. Volunteers can make referrals by leaving notes on the file for day staff.

7.11 Other matters

From time to time FLS may undertake casework where a matter is legally aidable and day staff have particular expertise and capacity eg: child protection, mental health review board, etc.

All other matters receive a 'one-off' advice and a referral if necessary. 'One-off advice' may include drafting a letter.

8. YOUR COMMITMENT

Thank you very much for agreeing to volunteer your time to FLS. Hopefully, it will be both satisfying and rewarding. It is a fantastic opportunity to experience diverse areas of the law, and to put your excellent skills to good use. The Night Service depends entirely on volunteers for its operation.

If you are going to be unable to attend on your rostered night please let us know.

Part of volunteering at FLS is being able to commit to a weekly or fortnightly attendance for a period of at least 6 months.