

## NOTES

### LAW REFORM COMMITTEE

The Law Reform Committee of Western Australia came into existence in 1968 and has issued working papers on the following subjects up to December 1971:

1. Interim damages in personal injury claims (Project no. 5, October 1968).
2. Summary trial of indictable offences (Project no. 6, December 1968).
3. Testators family maintenance (Project no. 2, December 1968).
4. Illegitimate succession (Project no. 3, December, 1968). (As a result of the report the Administration Act, the Property Law Act and the Wills Act were amended in 1971.)
5. Committal proceedings (Project no. 4, December 1968).
6. Disposal of uncollected goods (Project no. 7, December 1968). (As a result of the report the Disposal of Uncollected Goods Act 1970 was enacted.)
7. Newspaper Libel and Registration Act (Project no. 8, July 1968).
8. Manslaughter or dangerous driving causing death (Project no. 17, June 1970).
9. Liability for damage caused by stock straying onto highways (Project no. 11, June 1970).
10. Succession rights of adopted children (Project no. 24, April 1971). (As a result of the report the Property Law Act was amended.)
11. Associations Incorporation Act (Project no. 21, June 1971).
12. Evidence of criminal convictions in civil proceedings (Project no. 20, September 1971).
13. Review of the Arbitration Act (Project no. 18, October 1971).

W.S.M.

### GUILD OF UNDERGRADUATES LEGAL AID SCHEME

In March of 1972, in response to a general demand from campus, and after limited legal aid had been offered to university students in

1971, the university legal aid scheme was set up by the Guild of Undergraduates in conjunction with the Guild's solicitor.

Twenty law students—sixteen final year and four third year—were formed into a legal aid panel, their function being to act as intermediaries between the client-students and the solicitor. It was envisaged that if the legal problem could be dealt with in a factual manner by the law student, then time could be saved, and the time spent on the client-student's problem by the solicitor would be rendered more effective thus reducing costs to the client-student.

The legal aid scheme set out with two objectives: first, to assist university students, regardless of means, in obtaining legal advice in the cheapest possible way; and secondly, to give final year students experience in client/lawyer contact and practical problem solving in conjunction with the solicitor operating the scheme.

It is considered that the first objective has been achieved, that of lowering legal costs to the client-student. The initial interview between client-student and law-student is of course free of charge. No advice is given, but facts are taken in a manner which facilitates efficient interviewing when the solicitor establishes contact with the client-student.

If the law student thinks it appropriate he will carry out preliminary research into the particular problem and append his work to the fact sheet which contains the transcript of the interview with the client-student, as well as a printed disclaimer of responsibility. All problems are referred to the solicitor. If it is not a legal problem, then the Guild solicitor, without seeing the client-student, advises accordingly and does not interview.

The fact sheets for one week are collated by one of four committee members and discussed with the solicitor without the client-student present. After approval to assist is recommended by the solicitor, the Guild authorises the payment of \$5 after the client-student has had his interview with the solicitor. Thus the first interview with the solicitor is free of charge to the client-student. If any correspondence is entered into, court appearances made, or other work is necessary, the client-student will be charged, but in a large majority of instances, this amounts to no more than \$5 or \$10.

The second objective of giving practical experience to law students has been achieved in a limited way. The majority of cases are straightforward and thus, although experience in interviewing and initial contact is gained by the law student, there are few cases which involve points of legal interest and thus rarely will a law student accompany

the client-student to the solicitor's office and follow a case through until judgment.<sup>1</sup>

The response from the campus<sup>2</sup> has been at the level of one or two client-students per day—in excess of budget in terms of \$5 per person paid by Guild—and clearly indicating the need for a legal aid scheme, such as the scheme operated by law students: since its commencement, the Guild solicitor has dealt with 95 cases in the first five months of the scheme; many of these client-students obtaining assistance would not have previously sought legal assistance direct from a lawyer because of the cost.

The scheme does, however, have shortcomings. First, students do not like having to discuss personal problems with other students. Both objectives of the scheme would be lost if the student approached the solicitor direct. Costs would rise for the client-student, and law students would gain no experience. Time would be wasted by the solicitor on fact taking and non legal problems. The Guild subsidy would need to be markedly increased to achieve the same reduction in cost to the client-student which has been achieved by the existing scheme.

The second shortcoming of the scheme is that the service is not completely free of charge, although for students who merely need to discuss a problem with a solicitor, the service results in no charge—the only cost being \$5 paid by the Guild.

The scheme has been an experiment. As it progressed some thought has been given to extending it to members of the community who are unable to afford legal advice and who are not eligible for legal aid.

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<sup>1</sup> About 40% of the cases involve traffic offences; 5-10% national service; 5-10% matrimonial affairs; and the remainder minor criminal and civil matters.

<sup>2</sup> Total membership of the Guild of Undergraduates in 1972 was 7,300.

