

The Tyranny of Distance: Clinical Legal Education in 'The Bush'*

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This paper analyses the challenges faced by clients, students and teachers involved in a clinical program which uses new technology to deliver legal services in remote areas of Southern Queensland, Australia. A range of novel issues were addressed by Griffith University Law School, Learning Network Queensland and Caxton Legal Centre in their partnership development and delivery of this clinical program which involves the use of audio-graphics conferencing to enable students to provide legal advice and assistance to people hundreds of kilometres away. The 'Advanced Family Law-Clinic' program commenced in July 1999 with financial support from the Federal Attorney-General's Department. The paper considers the range of issues which arose in development of the program.

Introduction

In 1998, the Australian Federal Government announced funding for the development of 4 clinical legal education (CLE) partnerships between law schools and community legal centres.¹ In applying for funding, Griffith Law School and Caxton Legal Centre sought to provide a proposal which met the political objectives of government as well as the community service objectives of the community legal centre and the teaching and community service objectives of the law school.

A common commitment to enhancing legal service delivery in rural areas was quickly identified. Queensland is the most decentralised state in Australia, with more than half the population living outside the state capital, Brisbane. The problem then faced was how to best involve students in the delivery of such services. Links were forged with the Queensland Open Learning Network (now known as Learning Network Queensland), a network of community centres generally used to deliver education services to regional areas. A tender was submitted boldly stating that audio-graphics technology would be used to enable students to interview clients in open learning centres hundreds of kilometres from Brisbane.

Griffith Law School and Caxton Legal Centre were ultimately successful in receiving one of the Federal CLE grants. The real work of developing and implementing a clinical program using new technology then began. Maintaining a clear sense of purpose was very important in addressing the

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1 J. Giddings, 'The Commonwealth Discovers Clinical Legal Education' (1998) 23 (3) *Alternative Law Journal* 140

various unanticipated issues which arose. We found that student involvement could be planned much more than could the involvement of remote communities and the use of new technology.

Three key factors have been imperative to the success of the Clinic:

1. Recognition of the need to balance the agendas of different interested parties, such as the funders, the Law School, students, the Caxton Legal Centre, remote communities, and Learning Network Queensland, was a crucial factor in planning, developing and implementing the clinical program;
2. Understanding and addressing the issues of geographical remoteness which prevent or limit the delivery of face-to-face legal services; and
3. Identifying the limits and possibilities of technology-based non-face-to-face interviewing.

This paper provides an overview of how the Clinic operates. It then contextualises the Clinic in terms of the political climate and the nature of CLE in Australia. The access of rural communities to legal services will then be analysed. Networking issues impacting on the Clinic are then considered, highlighting the need to develop trust within the remote communities being serviced. The particular challenges the Clinic has faced in relation to communication and service delivery issues are also explored. Finally, the paper considers the importance of co-ordination of new initiatives and the need for ongoing consultation.

Overview of the Clinic

Griffith University Law School is based in Brisbane, the state capital of Queensland. Griffith Law School’s most recent CLE initiative focuses on providing family law advice and assistance to people in rural areas of Queensland. Queensland has the most decentralised population of all Australian states and access to legal services is a significant issue for many rural communities (“the bush”). Covering an area of over 1.7 million square kilometres, Queensland accounts for nearly 25% of the total land area of the Australian continent. By way of an international comparison, Queensland covers seven times the area of the United Kingdom, is more than twice the size of Texas and five times larger than Japan.³

Since 1995 Griffith University Law School has developed a reputation as an Australian leader in the field of CLE. The enthusiasm of staff and students has meant that opportunities for innovation and growth in clinical program offerings have been grasped with great enthusiasm. Such is the case with the Advanced Family Law - Clinic, a specialist clinical program offered by the Law School in collaboration with the Learning Network Queensland and Caxton Legal Centre.

Aside from this specialist clinic, Griffith Law School also operates a general law clinic, and externship program and a specialist alternative dispute resolution clinic. The opportunity to obtain financial support from the Federal Government has consolidated the Griffith clinical program as a major part of the law school. Until this external funding source emerged, the ongoing sustainability of the range of clinics which had developed was always in question. The Federal Government’s involvement also enabled us to (in part) address our growing concerns regarding the lack of legal services available to rural Queenslanders.

2 Also affectionately known as “the outback.”

3 http://www.qld.gov.au/html/about_qld.htm (accessed 1 June 2001)

The Clinic aims to develop the students' critical understanding of family law, develop and refine the generic skills considered elsewhere in the Griffith law program and to provide a practice-based learning experience designed to encourage students to think reflectively. The educational objectives of the clinic are to assist students to:

- enhance and extend their knowledge of the substantive law relating to family law,
- refine the skills related to legal practice which have developed in their law studies at Griffith. In particular, students will further develop their skills in negotiation, interviewing and drafting,
- deal effectively with unstructured situations,
- learn how to learn from experience,
- develop the ability to work collaboratively,
- appreciate notions of professional responsibility, and
- subject the legal system to analysis and criticism.

The clinic involves students being rotated through two placement sites during the semester. Students complete clinic sessions during one half of the semester at Caxton Legal Centre and the other half at Learning Network Queensland. In the initial weeks of the program, the supervisors interview the clients while students observe the interviews, and do follow up work such as researching and preparing documents. After being in the program for about a month, students begin interviewing on their own and taking instructions from clients before checking with their supervisor. Then the students prepare a plan for advice, deliver the advice to the client, and provide written confirmation of the advice to the client.

Weekly Family Law Advice Service. Students interview clients and provide ongoing support and casework assistance in relation to family law issues. This service focuses on issues relevant to litigants in person and operates each Wednesday evening at Caxton Legal Centre. Students, in conjunction with their supervisor, may also run a family law forum at Caxton Legal Centre. Caxton Legal Centre is, in many ways, Queensland's flagship community legal centre. The 25-year-old centre, based in the Brisbane suburb of New Farm, sees 11,000 clients a year free-of-charge. It has a staff of 11 plus 300 volunteers, about half of whom are law students who are allowed to observe proceedings.

Services to Remote Communities. Audio-graphics conferencing is used to provide family law advice and other services to people in rural communities. The conferencing technology allows people to communicate by phone at the same time as having joint computer screen access to documents. This enables students to work with clients situated at a computer hundreds of miles away to prepare court-related documents. Letters can also be drafted 'on the spot' and discussed with the client who can see the document on screen. If there are web-based materials which can usefully be accessed, the technology also accommodates this. Further, fax facilities are also available where a client is seeking advice on other documents. Scanned photos of the students and their supervisor are shown on screen so as to give the client a sense of who they are dealing with.

This conferencing technology is accessed through the community-based Learning Network Queensland. Clinic students work from the South Brisbane office of Learning Network Queensland to assist clients at Open Learning Centres located in communities outside of the Brisbane metropolitan area, namely Tara (4½ hours drive from Brisbane) and Hervey Bay

(3½ hours from Brisbane). There are 50 Open Learning Centres throughout Queensland. Students undertake casework activities and provide ongoing support and assistance to clients in relation to family law issues. This service operates each Friday morning at the Brisbane office of Learning Network Queensland.

A unique aspect of the Clinic is that two students attend each interview and work collaboratively to provide the client with advice. This fosters the development of teamwork, enhances the efficacy of peer review and appropriate constructive criticism, and ultimately enables students to encourage each other. It also provides in situ support if one student cannot adequately address the concerns of the client, or in the event that the client becomes difficult, agitated or emotional.

In the development of the clinic, it was identified that students were likely to be dealing with complex family law matters involving litigants who did not have access to other legal representation. In our experience, the family law problems facing the clients who attend our clinical programs have become increasingly complex in recent years.⁴ This led to us introducing a requirement that students complete the classroom-based elective subject, Family Law before enrolling in the clinic.

A maximum of 12 students can participate in the Clinic each semester. With the exception of one summer semester, the Clinic has operated continuously since July 1999. In future it is envisaged that the Clinic will continue to be offered each summer to cover the increased demand for legal services related to family law this period sadly but invariably brings. This is particularly pertinent as many people travel to remote communities to visit their families during the Christmas/New Year period, and as such many of the issues facing bush communities, which prompted the Clinic initiative, are exacerbated at this time.

Although the challenges that arose in setting up the Clinic were primarily related to geographical remoteness, the uncertain political climate in which the Clinic developed also had a significant impact. Knowledge of the prevailing political environment is essential in understanding the institutional factors which have impacted on the Clinic, particularly to highlight the confluence of the different interested parties.

The Political Milieu

The Clinic initiative was primarily a response to the lack of access to legal services in Queensland's remote communities. In the last ten years there has been a steady trend away from the bush for professionals such as lawyers, doctors and teachers. This has been most evident in the legal sphere. While governments have directed considerable resources to encouraging medical practitioners to work in regional and remote Australia, the same has not happened for legal professionals.

The policy climate in which the Clinic developed was quite confusing with policy agendas pulling in very different directions. On the one hand, the Federal government had expressed a strong commitment to the provision of additional services in rural and regional Australia while at the same time significantly reducing spending on legal aid services. There was also a climate of change in relation to family law in Australia. As well as reduced legal aid funding, such change also manifested itself in dramatic increases in the number of litigants in person, greater militancy amongst men's rights groups, greater unbundling of legal services (where lawyers were willing to

⁴ J. Giddings & M. Robertson, "Informed litigants with nowhere to go": Self-help legal aid services in Australia' (2001) 26 (4) *Alternative Law Journal* 184,

undertake distinct portions of legal work instead of a whole matter), do-it-yourself kits and restructuring of the court system.

Since the 1970s, Australia has developed a legal aid partnership arrangement with services provided by private lawyers, salaried lawyers in Legal Aid Commissions (LACs) and staff and volunteers in community legal centres. Cooperative funding arrangements between Commonwealth and state governments operated in the 1970s and 1980s through until the mid-1990s. This 'mixed model' of Australian legal aid service delivery was regarded very favourably, having been described as arguably the best model in the world and vital to ensuring that those Australians living outside metropolitan areas are able to receive services.⁵

The current Federal government, following its election in March 1996, dramatically changed the structure of legal aid in Australia.⁶ The Commonwealth negotiated new legal aid funding agreements with each of the states and territories and announced in the August 1996 budget that a \$100 million reduction in Commonwealth legal aid funding was to be achieved between 1997/98 and 2000/2001. Having implemented this reduction in Commonwealth legal aid funding of more than 20%, the Commonwealth has now belatedly acknowledged the inappropriateness of the cuts with the announcement in the 2000/2001 Federal Budget of a \$45.6 million increase in legal aid funds over four years.⁷

The government also withdrew funding for many of the initiatives announced in 1995 by the former government. While funding announced in the Justice Statement for women's legal services, indigenous women's legal programs and rural women's outreach was maintained, the impact on the legal aid sector as a whole was very negative. In addition to losing promised extra funding for family and civil law cases, legal aid commissions suffered overall funding reductions.⁸

The Commonwealth government has also been concerned to play a more significant role in legal aid policy making. Greater direction has been provided in relation to the allocation of Commonwealth legal aid funds. Attorney-General Daryl Williams has sought to significantly increase the legal aid focus on family law, consistently arguing that the funding of most criminal prosecutions should come from state government funds. Attorney-General Williams has also supported the development of community-based legal centres, particularly in regional Australia. An \$11.4 Million 'Rural and Regional Network Enhancement Initiative' was announced in the 1998/1999 Federal Budget.⁹ This initiative included the establishment of 6 new community legal centres in rural Australia¹⁰ and the development of a national service to provide phone and internet advice on family law and child support matters.¹¹ Funds were also allocated for the development of

5 J. Giddings (ed), *Legal Aid in Victoria: At the Crossroads Once Again* (1998) Fitzroy Legal Service, 11

6 The relevant chain of events is usefully summarised in Senate Legal and Constitutional References Committee, (March 1997) *Inquiry into the Australian Legal Aid System: First Report*, Ch. 1.

7 D. Williams, 9 May 2000, 'Legal Aid Funding Boost', accessed at http://law.gov.au/aghome/agnews/2000newsag/legalaid_00.htm. For an example of the politicised nature of the legal aid issue in Australia, see D. Williams, 11 May 2000, 'Labor and Democrats Mislead on Legal Aid', accessed at http://law.gov.au/aghome/agnews/1998newsag/508_98.htm

8 J. Giddings, B. Hook, and J. Neilsen, 'Legal Services in Rural Communities: Issues for Clients and Lawyers'

(2001) 26(2) *Alternative Law Journal* 57 at 58.

9 D. Williams, 17 December 1998, 'Making Community Legal Services More Accessible to South Australians', accessed at http://law.gov.au/aghome/agnews/1998newsag/508_98.htm

10 Kimberley and South West regions of Western Australia, the Iron Triangle region of South Australia, the Centre-West region of Queensland, the New South Wales South Coast and the cross-border region of New South Wales and Victoria centred in Albury-Wodonga.

11 D. Williams, 11 May 1999, 'National Family Law Telecommunication Advice and Information Service', accessed at http://law.gov.au/aghome/agnews/1999newsag/telephone_99.htm

four Clinical Legal Education projects ‘with the aim of maximising both legal service delivery to disadvantaged clients and cooperation with universities’.¹² A further five new community legal centres were announced in the 1999/2000 Federal Budget.¹³

These initiatives, designed to enhance regional access to legal services, probably owe much to the increasing political profile of regional Australia. Issues facing rural communities such as droughts, low prices for agricultural products, high interest rates, population loss and the withdrawal of services have clearly contributed to the view that Australia’s politicians were neglecting the bush.¹⁴ Traditionally conservative rural electorates have become increasingly marginal, sharpening the political focus on rural areas.

... the fastest population decline has occurred in rural areas.....Such population loss is associated with technological, social and economic changes in rural areas, and industry restructuring in local economies.¹⁵

Access to legal services is a vital aspect of any community but remoteness in a community can mean that there are associated difficulties of transport, cost, time and lack of information. Such difficulties are often exacerbated in family disputes.

Disenchantment with the level of social services and government support within rural and regional communities has brought new political forces to the fore.¹⁶ Changes in voting patterns (or voter backlash) in rural and regional electorates have resulted in changes of government in a number of states.¹⁷ These significant political changes have created a climate in which governments are seriously concerned to be seen to be improving the availability of services in rural Australia. Of recent interest is the fact that the Federal government in 1999/2000 confirmed its election promise to establish a family law telecommunications advice and information service with a focus on service to rural areas. The Law by Telecommunications initiative, in operation from mid-2001, has been allocated \$3.1million over three years.

The Commonwealth’s interest in CLE is twofold: a determination to deliver cheaper legal services to the community, particularly rural and remote communities; and a commitment to improving legal education. The question is the extent to which both community service and educational objectives can be achieved in the same program. The links with CLCs and the commitment to improving access to legal services, central to the establishment of most Australian CLE programs, have now resulted in some CLE programs receiving significant funding support from the

12 D. Williams, 17 December 1998, ‘Making Community Legal Services More Accessible to South Australians’, accessed at http://law.gov.au/aghome/agnews/1998newsag/508_98.htm

13 *Far West of New South Wales, Gippsland in Victoria, the Goldfields region of Western Australia and the South East and Riverland regions of South Australia.* See D. Williams, 7 February 2000, ‘Community Legal Services Boosted in Regional and Rural Australia’, accessed at http://law.gov.au/aghome/agnews/2000newsag/689_00.htm

14 H. Jeffreys & P. Munn, ‘Tumby Bay – through crisis to coping: An integrated community development approach for managing change’ (1996) 6 (1) *Rural Society* 3.

15 *Australia Now – A Statistical Profile*, accessed at <http://www.abs.gov.au/ausstats/>

16 N. Economou, ‘The Regions in Ferment? The Politics of regional and rural disenchantment’ (2001) 26(2) *Alternative Law Journal* 69 at 69.

17 For example, the 1999 Victorian election resulted in Independent members in country electorates holding the balance of power and supporting the formation of a Labor government despite the fact that the outgoing government had gained widespread praise for implementing economic reform without seeming to alienate the community. N. Economou, ‘The Regions in Ferment? The Politics of regional and rural disenchantment’ (2001) 26(2) *Alternative Law Journal* 69 at 69 notes that this was due to “the disproportionate rate at which regional and rural voters had voted for Labor and independent candidates compared with metropolitan voters.

Commonwealth. Importantly, the existing political framework underpins, and to an extent determines, the multi-faceted approach that we have taken with the Clinic.

Essentially, the political imperative encouraged the differing interested parties to come together in a cooperative manner. In planning, developing and implementing the Clinic, attention was given to the sensitivities of each party, with particular attention given to balancing the agendas of all involved. For example, the division of law-making responsibility between Federal and State governments dictated that the clinic needed to address family law, a Federal legal responsibility. On the other hand, Learning Network Queensland (LNQ) is a state-based community education provider, as education in Australia is primarily a state responsibility. The LNQ coordinators, as our coal-face contacts in remote communities, were always going to be an important factor in gaining trust in those communities. Taking account of and balancing the differing interests of the stakeholders has reinforced our coordinated and consultative approach to the Clinic, while drawing on the strengths and knowledge of individual organisations.

Clinical Legal Education (CLE) in Australia - Students Providing a Valuable Community Service

Australian CLE programs have tended to involve the real client model. Law schools have either established vehicles for such education themselves or have grafted CLE programs onto existing community organisations. At a time when Australia's legal aid system is being placed under increasing pressure, there are likely to be increased efforts to have law students contribute to the delivery of legal services. Australian clinical legal education programs are well placed to facilitate such contributions.

Historically, community service has been a very significant objective of Australian clinical programs.¹⁸ The law teachers involved have had strong links Australia's community legal centre (CLC) movement. The first Australian CLCs developed in the early 1970s with Victoria taking the lead.¹⁹ Australia's first clinical legal education developed in 1975 at Monash University with programs emerging at La Trobe University in 1977 and at the University of New South Wales in 1980. There are now clinical programs operated by 16 Australian law schools.²⁰ Some of these are quite small in size, involving only one staff member. Interestingly, a majority of the academics involved in Australian clinical programs have a background working extensively in CLCs.

The nature of the community service provided by Australian clinical programs continues to develop with an increasing emphasis on community participation. The notion of a charter with the local community has been adopted by several Australian clinical programs. Community development models have been adopted by programs, most notably the Monash and Griffith University Programs. Such models adopt a non-casework approach but are informed by the casework conducted by the clinical program.

18 M. A. Noone, 'Australian Community Legal Centres - the University Connection' in J. Cooper & L. Trubek (eds) 1997, *Educating for Justice: Social Values & Legal Education*, Dartmouth, 12.

19 J. Chesterman, *Poverty Law and Social Change: The Story of the Fitzroy Legal Service*, (1996) Melbourne University Press

20 Kingsford Legal Centre, *Guide to Clinical Legal Education Courses in Australian Universities* (2000) University of New South Wales.

Issues Facing Remote Communities & Rural Lawyers

It was important for the Law School to develop a strong understanding of the nature of rural and remote communities, including their diversity. It was helpful that we were able to employ a lawyer with extensive practice experience in a rural community (Barbara Hook). It was also essential to get a sense for the nature of legal needs in these communities and the demand for the sorts of services we had in mind. While the lack of legal services available in rural communities presented us with the opportunity to make a useful contribution, the nature of the communities meant that we could not assume that our services would be accepted or utilised. This section sets out some of the insights we have gained from the planning and delivery of the program.

Many people in remote communities face special issues regarding access to legal services beyond the legal needs they share with people living in metropolitan areas. Remote communities are attracting more specific attention as a group from government decision-makers, no doubt due to the increased significance of their votes in federal and state elections. Despite this, there has also developed a tendency to perceive those in bush communities as having uniform characteristics and therefore uniform needs.²¹ For example, there is a general perception that bush communities have a lack of accessible and appropriate community support services and a lack of accessible court and tribunal services.

While there are some common needs and experiences, there are also marked differences between and within the communities, and there is a diverse range of issues facing individual members of these communities. This is of itself important in developing an understanding of the needs of bush communities. Just as city-based communities are not homogenous, so too bush communities are unique from one another and contain enormous diversity. This diversity is too often overlooked in the methods of policy makers and city-based service providers.

There is a range of challenges facing lawyers working in outback Australia. Generally, these practitioners experience inflated costs, limited opportunities for specialisation and limited access to legal information resources and services. Further challenges include geographical remoteness, community attitudes and expectations, difficulties in achieving economies of scale, a lack of infrastructure, and ethical issues - particularly with regard to confidentiality.²² Of course, there are aspects of remote legal practice that some lawyers find very attractive. There is ‘plenty of work in the bush’ and ‘far less difficulties with bad debts, the reason for this; the inherent honesty of country folk’. Few bush lawyers have difficulties finding administrative staff and most enjoy the casual country lifestyle.²³ Remote legal practice also presents significant opportunities for relatively inexperienced lawyers who can assume major practice responsibilities at a relatively early stage of their careers.²⁴

21 J. Giddings, B. Hook, and J. Neilsen, ‘Legal Services in Rural Communities: Issues for Clients and Lawyers’ (2001) 26(2) *Alternative Law Journal* 57 at 58.

22 J. Giddings, B. Hook, and J. Neilsen, ‘Legal Services in Rural Communities: Issues for Clients and Lawyers’ (2001) 26(2) *Alternative Law Journal* 57 at 60.

23 B Chestnutt ‘A Country Practice’ (1999) 26 (4) *Brief*, 5.

24 See J. Faine, *Lawyers in the Alice: Aboriginals and Whitefellas’ Law*, (Federation Press 1993) which contains a series of interviews with lawyers who took responsibility for major cases in their work for clients of the Central Australian Aboriginal Legal Aid Service.

Geographic Isolation

Distance and transport affect the ability of people to access face to face legal services. Lack of adequate and affordable public transport, the need to travel significant distances and the added expense involved all contribute to access difficulties.²⁵ In a family law context, our colleague Rosemary Hunter has noted that “Queensland country clients travelled the furthest distances on average to reach their lawyers. In all country areas, clients often travelled further afield than their own town or the closest large town to find a family lawyer.”²⁶ Various extreme weather conditions, including floods and cyclones, may also hinder the ability of people to consult lawyers. For those clients with no choice other than to look outside their community for legal assistance due to conflicts of interest, lack of available expertise or other reasons, the geographical isolation is particularly problematic.²⁷

Geographic isolation also creates professional isolation for practitioners, limiting their ability to network within the legal profession, to develop effective working relationships with specialist advocates, to access legal academics and to keep up with their professional training needs. The impact becomes more severe as the geographic position becomes more isolated.²⁸ Lack of opportunities to access personal and professional development not only hinders the development of quality legal practitioners but also restricts promotional opportunities. This exacerbates the difficulties in recruiting and retaining professional staff. In essence, there is a need for the establishment of networks within which bush lawyers working in similar circumstances can work collaboratively on a plethora of issues, including professional development and innovative practices.

Assumptions about rural communities

A significant factor precluding appropriate access to legal services by bush communities is the homogenisation of the bush identity. The cultural diversity of rural communities - in terms of ethnic and/or religious background, sexual orientation, ability, age, gender and so on - is not reflected in the range of services provided.²⁹ Women from all cultural backgrounds face local sub-cultures especially in the area of domestic violence.³⁰ Police and lawyers often socialise with the women’s husbands and may respond to family violence issues in an offhand manner. Women face difficulties due to community antipathy towards ‘domestics’, the public shame of being part of ‘a domestic’ and the lack of ever feeling safe because police are often quite some distance away.³¹ Even though it may be possible to contact legal services to complain about the discrimination and other treatment meted out to these ‘special’ groups, local sub-cultures may make these mechanisms unworkable.³²

25 J. Giddings, B. Hook, and J. Neilsen, ‘Legal Services in Rural Communities: Issues for Clients and Lawyers’ (2001) 26(2) *Alternative Law Journal* 57 at 58.

26 R. Hunter, *Family Law Case Profiles* (Justice Research Centre, 1999) xiv.

27 J. Giddings, B. Hook, and J. Neilsen, ‘Legal Services in Rural Communities: Issues for Clients and Lawyers’ (2001) 26(2) *Alternative Law Journal* 57 at 58.

28 J. Giddings, B. Hook, and J. Neilsen, ‘Legal Services in Rural Communities: Issues for Clients and Lawyers’ (2001) 26(2) *Alternative Law Journal* 57 at 61.

29 See the Report of the Community Well-being and Lifestyle Working Group of the Regional Australia Summit, October 1999, especially Key Priority 2,

accessed at http://www.dotrs.gov.au/regional/summit/outcomes/reports/theme4_report.htm

30 *Domestic Violence in Regional Australia - A Literature Review*, June 2000. Accessed at <http://www.dotrs.gov.au/rural/women/index.htm>

31 See J. Nielsen, (1995) *Gender Bias in the Civil Litigation System and its impact on Women as Civil Litigants in NSW: Northern Rivers Region*, Southern Cross University, Lismore.

32 J. Giddings, B. Hook, and J. Neilsen, ‘Legal Services in Rural Communities: Issues for Clients and Lawyers’ (2001) 26(2) *Alternative Law Journal* 57 at 59.

Access to free and reduced-fee legal services

Legal and related services are also difficult for bush communities to access because either city-based services do not extend to rural areas or, if they are present, are inadequately funded or not designed to meet an individual client’s needs. While many rural practitioners provide significant free (pro bono) and reduced-fee services, such services may not reach those most in need. Access to free services is limited by the smaller nature of many bush legal practices. Despite the growing presence of Legal Aid Commissions, Aboriginal Legal Services and CLCs in non-metropolitan communities, these services remain under-funded with a consequent impact on their ability to truly meet community need.³³

Many bush communities, especially those away from the coast, are characterised by economic disadvantage. Bush lawyers within such communities have to live, work, and deal with clients whose lives are made more precarious by events such as floods, droughts, bush fires and other natural disasters. Bush clients tend to have a lowered capacity to afford legal services, as compared to those in metropolitan areas.³⁴

Community Attitudes and Expectations

Lawyers working in remote areas have to find the appropriate balance between conflicting professional goals: the service ideal versus the profit motive.³⁵ More importantly, while seeking to fulfill the service ideal, bush lawyers need to consider their personal needs including privacy and safety. It can be too easy for clients and others in a small community to underestimate the need for a lawyer to just be a member of the community and not a lawyer. The establishment and effecting of personal boundaries in such a way that encourages ongoing work whilst not leading to a ‘burn-out’ is integral to the work of bush lawyers. Safety for bush lawyers and their families can also be a real issue especially for those involved in acrimonious family law disputes or highly emotive criminal matters. On rare occasions community closeness may lead to the targeting of lawyers and their families by angry or disillusioned clients. Clients know where their lawyers live and where and with whom they socialise. Threats of violence may be more of a concern than would be the case in a more anonymous metropolitan area.³⁶

Importance of Local Knowledge

Members of ‘special’ groups are too often expected to rely solely on metropolitan-based services to meet their particular needs. While this reliance is not inappropriate in itself, existing city-based services are currently unable to adequately meet the needs of such groups.³⁷ For instance, women

33 See A. Pollard, ‘In Briefs: Activism in Local Communities’ (2001) 26(2) *Alternative Law Journal* 90 at 91.

34 See the Report of the Community Well-being and Lifestyle Working Group of the Regional Australia Summit, October 1999, especially Key Priority 1, accessed at http://www.dotrs.gov.au/regional/summit/outcomes/reports/theme4_report.htm

35 M Blacksell, K Econimides and C Watkins (1991) *Justice Outside the City: Access to Legal Services in Rural Britain*, Longman Scientific and Technical, 4.

36 J. Giddings, B. Hook, and J. Neilsen, ‘Legal Services in

Rural Communities: Issues for Clients and Lawyers’ (2001) 26(2) *Alternative Law Journal* 57 at 60.

37 Louis Schetzer, National Children’s and Youth Law Centre, Submission to the Victorian Law Reform Committee, *Inquiry into Legal Services in Regional and Rural Victoria*, 13 June 2000, <http://www.parliament.vic.gov.au/lawreform/Legal-Services_Inquiry/default.htm>, (19 June 2001) notes that young people’s needs were not being adequately met in remote areas through the lack of separate regional Children’s Court facilities and the misunderstanding by local lawyers of the ‘particular legal and social issues that affect children and young people coming before the courts.’

from a remote region interviewed in 1995 who used city-based telephone advice services had found them difficult to access with some referrals to locally based community services being inappropriate.³⁸ For example, a woman was advised by a metropolitan-based service to see her local Chamber Magistrate, who was renowned for his rudeness to women, to apply for an Apprehended Violence Order.³⁹ Local knowledge and adequately funded community-based services, then, are crucial to ensure quality for bush clients.⁴⁰

It may well be unrealistic to assume that the full range of specialist expertise required in a bush community can ever be present. The challenge then is to provide a scheme of legal services that appropriately meets the full range of needs within remote communities. Telecommunications is seen as part of the answer but it would not 'be fair for rural communities to have technological communication as their only source of service delivery.'⁴¹ Technology will certainly play a part in overcoming the disadvantage of clients in bush areas but it must be used within a setting that also offers accessible and affordable face-to-face community-based legal services.⁴²

Limited Choice of lawyers/courts/services

In many bush towns, there is no resident lawyer. In company towns, lawyers tend to be acting for company interests. There is also a limited choice of solicitors in many larger bush towns with conflicts of interest precluding many community members using them.⁴³ Accessing court and tribunal facilities can be made difficult because they either do not sit regularly enough or do so too far away. More often than not, urgent matters cannot be dealt with locally and metropolitan-based or regional registries must be used. Generally, alternative dispute resolution facilities are also not present or not affordable. Locally based government and community sector services tend to cover unrealistic geographical areas and are under-resourced with staff often stretched to the limit. Community based correction facilities tend to be limited or non-existent such that offenders are more likely to be imprisoned, thereby being further isolated from family and community.⁴⁴

When courts and tribunals undertake circuit visits to a region, the case lists tend to be very full. Lawyers feel institutional pressure to utilise alternative dispute resolution mechanisms and substantial pressure can be exerted on lawyers and clients alike to settle cases with a view to ensuring the court or tribunal can get through the list. Often, only the cases with major issues in dispute which cannot be settled will go to a full hearing.

Many professional services are just not available in remote areas, such as a full range of accredited legal interpreters and specialist medical practitioners. There can also be issues regarding the

38 J. Nielsen, (1995) *Gender Bias in the Civil Litigation System and its impact on Women as Civil Litigants in NSW: Northern Rivers Region*, Southern Cross University, Lismore, at 39.

39 J. Nielsen, (1995) *Gender Bias in the Civil Litigation System and its impact on Women as Civil Litigants in NSW: Northern Rivers Region*, Southern Cross University, Lismore, at 38.

40 ALRC, *Managing Justice: A review of the federal civil justice system*, Report No 89, 2000, <<http://www.austlii.edu.au/au/other/alrc/publications/reports/89/>>, Chapter 5, paras [5.76] - [5.80].

41 Margaret Camilleri, Central Highlands Community Legal Centre, *Submission to the Victorian Law Reform Committee*, 27 April 2000, <http://www.parliament.vic.gov.au/lawreform/Legal_Services_Inquiry/default.htm> (19 June 2000).

42 J. Giddings, B. Hook, and J. Neilsen, 'Legal Services in Rural Communities: Issues for Clients and Lawyers' (2001) 26(2) *Alternative Law Journal* 57 at 59.

43 See M. Lawler, 'There are Different Kinds of Isolation' (2001) 26(2) *Alternative Law Journal* 81.

44 See C. Pereira, 'The Tyranny of Distance: Disadvantage in Queensland's Regional Prisons' (2001) 26(2) *Alternative Law Journal* 74.

coordination of visiting services. While a circuit court may be making its half-yearly visit to the region within a month, the visiting hospital psychiatrist may not be due for another six weeks. It is often difficult to access alternative dispute resolution processes because such services are either not available or are rendered unaffordable to clients because metropolitan services must be used. It seems inevitable that there will be further development in the area of on-line dispute resolution services in the future.⁴⁵

Ethical Issues

Confidentiality is a key legal ethical issue within small communities. Client confidentiality is often of great concern to women given the likelihood of existing professional relationships between their male partners and the local lawyer.⁴⁶ Apart from ensuring that lawyers respects client confidentiality, clients may have serious concerns regarding non-professional staff meeting the same standards. Even if such concerns can be addressed, there may be issues of fear or embarrassment which inhibit people in obtaining legal advice.⁴⁷ Smaller population bases and consequent close connections between members increase the importance of sub-cultures and conformity to community values. People's personal affairs are more prone to public scrutiny because of the greater likelihood that people know one another or are a 'friend of a friend'. Relatively innocuous personal details may be more than enough to identify a person in casual conversation. The protection of confidentiality is both crucial and problematic.⁴⁸

Confidentiality issues were important in planning for the Clinic. It was critical that students appreciated the particular sensitivity in bush communities regarding this issue. By being aware of the importance of confidentiality as the cornerstone of the lawyer-client relationship, and its importance to clients, particularly clients in small communities, students raise the issue of confidentiality at the first interview with the client. Students explain in plain English the meaning of confidentiality. This has the effect of establishing rapport and putting the client at ease. In many instances, bush clients are more likely to be willing to talk to someone not connected with their locale. Many just want to talk to someone from outside their own community where they feel they are in a fishbowl.

The use of local Learning Network Queensland centres as the venue for the interview has the effect of safeguarding client confidentiality. As Learning Network Queensland is a community education provider, attending their offices is likely to attract less attention than visiting a local solicitor. The discretion and attitude of Learning Network Queensland (LNQ) coordinators is also important, as they are the only local people to have knowledge that a client is seeking advice. It was important to ensure LNQ staff appreciated the importance of confidentiality in legal contexts.

It must be remembered that most of the issues discussed above are a double-edged sword in that they impact on both remote communities and bush practitioners, albeit in differing ways. Geographical remoteness, family isolation, high costs of transport, and a scarcity of appropriate support and counselling services are all pervasive in the area of family breakdown and separation

45 S. Hardy, 'Online Mediation: Internet Dispute Resolution' (1998) 9 (3) *Australian Dispute Resolution Journal* 216.

46 R. Hunter, *Family Law Case Profiles* (Justice Research Centre, 1999), 71.

47 J. Giddings, B. Hook, and J. Neilsen, 'Legal Services in Rural Communities: Issues for Clients and Lawyers' (2001) 26(2) *Alternative Law Journal* 57 at 59.

48 J. Giddings, B. Hook, and J. Neilsen, 'Legal Services in Rural Communities: Issues for Clients and Lawyers' (2001) 26(2) *Alternative Law Journal* 57 at 59-60.

in many remote communities. Although these issues do not stand alone in the area of family law, they bring with them concerns which can touch the heart of a family and a community, for example, client confidentiality and the safety of women and children. The Clinic established a unique way of delivering legal services to remote communities in an attempt to address these particular issues. Audio-graphic technology and the existing infrastructure of the Learning Network Queensland is used to deliver family law advice, information and assistance to clients outside of the Brisbane metropolitan region. As far as the authors are aware, audio-graphic technology is not used for the delivery of legal services anywhere else in Australia, nor the world.

Institutional issues - balancing various interests

From July 1999 to February 2001, the number of full time positions in the Family Court of Australia has decreased from 784 to 617 (a reduction of 21%). Court counselling services were reduced by approximately 30% with further reductions envisaged in the 2001/2002 financial year.⁴⁹ The loss of these positions has been a direct result of a withdrawal of funding by the Federal government.

Such withdrawal of funding from the Family Court has placed increasing pressure on registry staff and services. Each Family Court registry is being expected to do more with less and this is one of the reasons why there is increasing pressure to utilise student programs.

The Brisbane registry of the Family Court is interested in having our program provide assistance to them in terms of dealing with Litigants in Person (increasingly becoming known as SRL's (self representing litigants)). This would effectively mean our students and supervisors being present at the court to assist those people appearing without representation (a program similar to the one presently being offered by Monash University, Melbourne). If we were to do what the court would like us to do, we would be overwhelmed by Brisbane-based casework and would not have the opportunity to do our work with rural communities.

The intensive nature of rural advice and casework activities has meant that less clients are currently being assisted than is the case with traditional face-to-face services. The complexities of the legal issues facing clients has also meant that we have been unable to assist as many individual clients as was originally estimated. We have identified the importance of developing a range of services to be provided to rural communities including student outreach visits to the regions and on-line information sessions for groups of clients.

It has been interesting to note the manner in which the Family Court has provided positive encouragement for other registries of the Family Court to adopt a Monash model without recognising the individual aspects of the Monash program. The enthusiasm of the Family Court Brisbane Registry for our clinic to take on this added role has been reinforced by the contents of an in-house evaluation of the Monash program which has recommended the adoption of their model elsewhere in Australia. We are concerned that such a recommendation fails to acknowledge the individual circumstances of each clinical program and each Family Court Registry.

There is also an issue for clinical programs in terms of the funders valuing us because of our cost-effectiveness in delivering community services whereas the law school is clearly seeking to meet both educational and community service objectives. For us, we have been careful not to

49 *Law Council of Australia, Family Law Section Report, 29 May 2001*

compromise our educational objectives. A balancing of competing interests means that increasing pressure to deliver more services in less resource intensive areas, ie; not rural, may be brought to bear by the funding body at some stage in the future. If that occurs we will seriously need to re-evaluate our position in relation to community service to ensure that we do not lessen the educational strength of our program.

Networking issues

We have found that the development of strong community partnerships in rural areas is an essential part of the success of the clinic. The issue of developing trust within these communities for services delivered from metropolitan centers, we believe, has been addressed by the use of local people (coordinators) assisting in the delivery of services in a non-threatening local environment (Learning Network Queensland centres).

The Learning Network Queensland coordinators have actively promoted our service by way of local advertising and word of mouth referrals and recommendations. The overwhelming enthusiasm of the coordinators for the program has contributed to the take up of the program in the communities and meant that on any clinic day that we are usually fully booked by way of appointments. Locally respected people, the coordinators have acted with complete integrity and professionalism in dealing with clients and their concerns. They have quickly understood issues such as confidentiality and conflict of interest and have assisted the supervisor to ascertain particular client needs, for example, a partially deaf client and a client without transport who each needed to be provided with specialist local, as well as legal information.

Early visits by the supervisors (from Griffith University and Caxton Legal Centre) to speak with local service providers also raised the profile and increased the likelihood of success of the program. Service providers, such as counselors and charity groups, have continued to support the program. Contact with these service providers outside of clinic times has meant that a number of referrals have been made to Caxton Legal Centre outside of clinic delivery times for legal advice on matters other than family law.

The closeness of rural communities, the older age of many people living on the land and an understandable suspicion about new, and especially IT-based, services meant we did not expect that our services would be immediately accepted or utilised. The use of local knowledge to enhance the appropriateness of local referrals and support has ensured client satisfaction with services provided.

Communication issues - a twist on maintaining a professional distance

While the access of rural communities to services was an obvious issue in our planning, there was the further question of access to the Clinic itself. A lesson learned early on in the Clinic was not to presume that clients could just 'pop in' to our service when it suited us. An appointment was made for a client to attend at a convenient time for the Clinic at 9.30 am on a Friday morning. It was subsequently discovered that the client had to walk two hours into the town to make the appointment. Obviously questions about access to transport should have been asked on making of the appointment. These types of issues are now addressed when appointments are made. Another important issue needing to be addressed is any barriers to the client attending the interview, such as language or a dominant and suspicious spouse or partner.

Although there are challenges inherent in using the telephone to interview clients, the main benefit of using audio-graphic technology is that it has a broad geographical reach, and it facilitates access to legal services to a larger number of clients in a shorter period of time, with travel cost to clients minimised. There is also the possibility that many people are less guarded and more open and honest when speaking on the telephone, in comparison to face-to-face interviewing. As people living in remote communities make use of the telephone regularly to communicate with neighbours, friends, family, and for business purposes, it is more likely that they are comfortable communicating via the telephone. Further, the interviewer is less likely or able to form biases based on things such as appearance, status, or ethnicity, thus increasing objectivity.⁵⁰

As a graphical interface is also used, there is the opportunity to utilise visual cues so the client can be presented with diagrams, pictures, or forms if necessary. The major drawback of audio-graphic technology is that the interviewer cannot see the reaction, facial expressions or body language of the client. The use of Learning Network Queensland centres minimises the risk that a client may be under duress from a third party to answer questions, or may substitute someone else to answer questions for him or her.⁵¹ Coordinators at Learning Network Queensland centres verify the identity of the client and any other attendees, which helps to ensure that the client is not being pressured by a third party to answer questions.

The use of audio-graphic technology to interview clients has been a challenge in itself for the students and teachers of the Clinic. There has been little written about non face-to-face interviewing, even telephone interviewing, in the lawyering skills literature about how to conduct such interviews. Most authors appear to assume that client interviews will be conducted face-to-face, and many do not even mention non face-to-face interviewing or interviewing using new technology.⁵² Others only make mention of it in the context of using the telephone for a pre-interview conversation or follow-up meeting, and infer that such interviewing is to be avoided or kept to a minimum.⁵³ Helena Twist devotes two pages to telephone interviewing, but only the first three paragraphs provide specific guidance on how to conduct telephone interviews.⁵⁴

Telephone interviews are essentially different from face to face interviews. Different skills are needed, for example, to build rapport and trust with a client on the telephone is likely to take longer than face to face. The techniques of voice modulation, clear instructions and ensuring that a client has understood any advice given are extremely important when you cannot see the client. However, one skill that is universal across differing methods of interviewing is that you must listen to the client.

50 Schmidt, F & Rader, M. (1999), "Exploring the Boundary Conditions for Interview Validity: Meta-Analytic Validity Findings For a New Interview Type", *Personnel Psychology*, Personnel Psychology Inc., Durham at 451.

51 Schmidt, F & Rader, M. (1999), "Exploring the Boundary Conditions for Interview Validity: Meta-Analytic Validity Findings For a New Interview Type", *Personnel Psychology*, Personnel Psychology Inc., Durham at 463.

52 R. Bastress & J. Harbaugh, *Interviewing, Counseling and Negotiating: Skills for Effective Representation*, (1990), Little Brown, Boston; A. Sherr, *Client Care for Lawyers: An Analysis and Guide*, (1999), Sweet & Maxwell, London; R. Hyams, S. Campbell, & A. Evans, *Practical Legal Skills*, (1998), OUP,

Melbourne; Chay, A. & J. Smith, *Legal Interviewing in Practice*, (1996) LBC Information Services, North Ryde; D. Keats, *Skilled Interviewing* (1993) Australian Council for Educational Research, Melbourne; K. Lauchland & M. Le Brun, *Legal Interviewing: Theory, Tactics and Techniques*, (1996), Butterworths, Sydney; and C. Maughan & J. Webb, *Lawyering Skills and the Legal Process*, (1995) Butterworths, London.

53 D. Binder, P. Bergman & S. Price, *Lawyers as Counselors: A Client-Centered Approach*, (1991), West, St.Paul, at 195 and 236; and D. Keats, *Interviewing : A Practical Guide for Students and Professionals*, (2000) UNSW Press, Sydney, at 123.

54 H. Twist, *Effective Interviewing*, (1992) Blackstone Press, London at 48.

Further strategies in dealing with access to services have been to work with students, through Learning Network Queensland sites using a detailed map of Queensland to reinforce the geographic isolation of many people in need of legal services. The tyranny of distance appears to be understood by students in a visual rather than descriptive way. Students may then also be challenged to locate various welfare and other support services within the community, information which is crucial to the success of the program.

Students are required to gain an understanding of the dynamics which may impact on clients and be able to work within and analyse the operation of law outside of metropolitan areas. For example, a woman may feel great shame in reporting her partner to the police on a domestic violence matter as the community and her supporters may stress the potential damage done to the family and its reputation if she does report. A strong sense of community may serve to minimise such individual actions.

Communication with clients from culturally and linguistically diverse backgrounds was factored into the planning of the Clinic, and interpreters are arranged when necessary. Physical disability does not preclude clients from attending Learning Network Queensland centres as there is wheelchair access. Similarly, issues have arisen during the Clinic with clients in relation to intellectual disabilities, and the use of audio-graphic technology has not adversely impacted on the interviewers ability to identify the relevant issues. In fact, on one occasion, the client made the interviewer aware of the intellectual disability issue early in the interview.

Service Delivery with New Technology

We should refer to the limitations of using new technologies to address legal service delivery needs. We need to refer to the importance of combining different processes, including face-to-face interviews and visits to the regions in question.

The use of information technology as a means of providing legal services is slowly building momentum. At this stage, such use has tended to be limited to government and not-for-profit services being delivered to rural or remote communities from a metropolitan base.⁵⁵ The Internet, email, video and audio-conferencing are slowly starting to challenge the traditional way that lawyers have delivered legal services. Acknowledging the work that has been done in the area by health and education professionals, lawyers are beginning to see non face-to-face services as an option.

The technology challenge itself is another significant factor in the delivery of such services. The challenges that the use of technology has engendered are often common to both lawyers and their clients. For clients, such technology is often unfamiliar and the delivery of non-face to face services may be seen as threatening and unsupportive. Use of audio-graphic technology, computers and the Internet is often not a way of life for rural clients and training, cost and ongoing support may be an issue. For lawyers, looking outside of their own communities for legal work may be unfamiliar and the clients wary of the technology. For city practitioners, such forays into bush

55 *The Womens Justice Network is a service operated by Legal Aid Queensland providing legal services to eighteen towns in South West Queensland using computer video conferencing. See <http://www.wjn.legalaid.qld.gov.au/> The Western Queensland Justice Network (WQJN) is a Community*

Legal Service operated by Legal Aid Queensland connecting Rural and Indigenous Communities to legal information and Advice through Video Conferencing Technology. WQJN has video conferencing facilities in 9 community organisations throughout Central West Queensland. See <http://www.wqjn.legalaid.qld.gov.au/>.

communities may raise legal issues they are not familiar with or are incapable of recognising. This has the potential to operate to the distinct disadvantage of clients. The Clinic has found that these issues have to be reconciled with the fact that students tend to be very accepting of and interested in technological innovation in the delivery of legal services.

Client confidentiality in the delivery of non face to face services is also extremely important. In remote communities, clients may not believe that confidentiality can be maintained. As mentioned above, for women, it has been observed that solicitors in rural communities are likely to have an ongoing solicitor - client relationship with her male partner.⁵⁶ Client confidentiality then is often of great concern to women in this position. Locating the service at a venue which clients could be attending for one of a number of reasons may best preserve legal confidentiality. Examples of such locations where technology is used to deliver various services are community centres, such as Learning Network Queensland, and health centres.

Community partnerships are also integral to the success of any such program. Regular meetings with service providers in rural or remote areas are crucial to ensure that the service is developing and responding as appropriate to the needs of the community. It would of course be ideal to be able to ascertain areas of need before commencing any such service to make the best use of resources. It has also been evident throughout the developmental process of this program that long time lines are needed to introduce a service of this nature and to have it gain community support. When face to face meetings do not happen regularly the level of trust from the community appears to be built up slowly.

The experience of the Women's Justice Network initiative, which began in 1998 and is operated by Legal Aid Queensland, reinforces the 'long time line' assertion. The Women's Justice Network provides legal services to women to eighteen communities in South West Queensland (an area of 433,810 square kilometres or 271,131 square miles with a total population of 22,500 people), using technological means. The project is made up of videoconferencing sites located in community agencies in each town, and a webpage with an electronic booking system and access to legal information.

Essentially, the Womens Justice Network combines electronic access to the Legal Aid database and audio and visual contact with lawyers in a range of distant but specialist services. However, the level of awareness of the Network in the serviced communities is quite low and the rate at which the service has been utilised has been disappointing. Evidence suggests that the attitudes of site coordinators are critical to the success of the project.⁵⁷ A change of name to "Rural Advice and Information Network" has been mooted as many women in these regions do not readily relate to the title "Woman's Justice Network."⁵⁸

There has also been suggestions that a circuit lawyer is essential to reinforce the technological components of the Womens Justice Network project, particularly videoconferencing and the use of computers, as a high percentage of those in the community are not computer literate. Funding for the Network will end in June 2001 and the videoconferencing sites may then be used as community access points. Further, Legal Aid Queensland has now set up a telephone advice service which is targeted particularly at rural and remote areas. Considerable resources were directed into this new service in late 2000.

56 R. Hunter, *Family Law Case Profiles (Justice Research Centre, 1999)* 71.

www.wjn.legalaid.qld.gov.au/report/default.htm

57 Grace, M. and J. Previte, 'Evaluation of the Women's Justice Network' 25 August 2000 accessed at

58 Whitaker, L, 'The Women's Justice Network' (2001) 26(2) *Alternative Law Journal* 91 at 92.

Another initiative is the Commonwealth Attorney General Department's Law By Telecommunications Project / Family Law Access Gateway (FLAG) which comprises a law and justice internet portal, a national database, and a call centre, with links to individual CLCs. This project has been extensively criticised for: making ill-conceived assumptions about client access to telephones and the internet; providing a referral service to already stretched CLCs without supporting funding; the provision of information, rather than advice or casework services; being culturally and socially inappropriate for people of linguistically diverse backgrounds; failing to address staffing and professional indemnity issues; and the lack of consultation with existing legal service providers.⁵⁹

Due to the number of services which are now operating to assist rural and remote clients it has also been interesting to note that the role of the supervisor in the Clinic has been primarily to coordinate the service rather than to manage and develop it. This particular issue was not envisaged at the start of the program and in fact was not an issue until many of the current programs came into existence.

Co-ordination and co-operation

Given the range of experiences and varied needs of clients, communities and legal practitioners in remote areas, it is essential that new initiatives be properly coordinated and evaluated. In the past three years the Queensland experience has been that a number of services have been established to contribute to servicing the legal needs of remote communities but with limited overarching coordination or integration to ensure such needs are in fact met. The failure of lead agencies to effectively co-ordinate the various legal services provided is of major concern. It is imperative that new programs firstly acknowledge other work being undertaken in a community and then target unmet legal needs. The importance of consultation with local service providers and potential clients cannot be underestimated. It is such groups that will hopefully become the supporters of new initiatives and the driving force for acceptance within communities.

Initiatives also need to be developed on a sustainable basis with recurrent money and resources. Without continuity of service, the ongoing needs of communities are unlikely to be understood by service providers and will therefore be more difficult to meet. For non-face to face forms of legal advice and assistance to succeed, local community service providers will be crucial supporters. Such support will not be maintained if service arrangements change without good reason and explanation. Remote area initiatives need time for trust to develop so they can become part of the local landscape.

Experience suggests that there is a need for greater planning and coordination of the various legal services now being provided in remote areas. This need is increased where the services in question are making use of new technology given the rapidly developing nature of many communication technologies. Our programme has recognised the importance of linking closely with existing agencies and infrastructure and, to taking a well-planned approach which avoids the making of promises which cannot be delivered.

⁵⁹ See Rowsthorne, M, 'Law by Telecommunications; The Magic Solution for Rural Australians?' (2001) 26 (2) *Alternative Law Journal* 85 at 86-88.

Conclusion

This paper has charted the range of issues which have been addressed in the development of a new technology clinical program. The program has successfully achieved various objectives. Students have gained a strong appreciation of the family law issues facing bush communities and have significantly developed their communication skills. Clients who would have had great difficulty accessing other lawyers have been able to receive comprehensive legal advice and information.

Our clinic work has identified the need for research in relation to rural legal service delivery. We have begun work to develop a research agenda on legal services in rural communities. As part of this, Jeff co-edited an issue of the *Alternative Law Journal* which was devoted to rural legal issues and which included an article written by Barbara, Jeff and a colleague from a regional university.

The service provided to the Hervey Bay region has been particularly well received. Various events, including the announcement of a major new prison in the area, resulted in the commissioning of a regional study of legal aid needs. The report of study highlighted that the Griffith-Caxton service had received very favourable support from community service providers and clients in Hervey Bay. We are now in the process of exploring possibilities to expand the services we offer in the Hervey Bay region. We are actively engaged in discussions with Legal Aid Queensland regarding development of a new clinical program which would combine the use of new technology with face-to-face interviews. This program is likely to involve a partnership between Griffith Law School, Legal Aid Queensland, Caxton Legal Centre, Learning Network Queensland and private law firms in the Hervey Bay region.

The program has received favourable media coverage in a recent review of Australian law schools in the Higher Education Supplement, published in the *Australian*, the leading national newspaper.⁶⁰ The article emphasised the novelty of the technology with students being able to 'beam their legal advice to a 'Country Women's Association hall or neighbourhood centre hundreds of kilometres away to a client sitting at a computer'.

The success of our clinic has relied on a well-planned and measured approach to engaging rural communities and service providers. We have successfully resisted the calls for us to take on additional areas of work despite pressure being applied by city-based services contending with resource shortfalls.

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⁶⁰ D. Illing, 'Clinical Approach to the Bush' *The Australian*, March 14, 2001, 43.

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