

# Access to justice for children and young people in Aotearoa New Zealand

Working paper No. 16 - Legal education and continuing professional development for lawyers and judges

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# Context

This working paper considers the role of legal education and continuing professional development for lawyers and judges for professionals in closing the justice gap for children and young people in Aotearoa New Zealand. It forms part of an overall research project exploring the extent to which children and young people are able to access to justice in Aotearoa New Zealand. The findings of the research study are presented in three parts:

**Part One** contains my analysis of data from key informant interviews with adults with expertise in the justice system and/or working with particular groups of children and young people, as well as from a survey of children and young people aged 14 to 24.

**Part Two** discusses the meaning of access to justice and other related concepts such as legal empowerment as well as the specific meaning of access to justice for children and child-friendly justice. It then discusses the justice problems experienced by children and young people generally, as well as common barriers to accessing justice. The analysis in this report is based on my review of the research and literature in New Zealand and overseas as well as analysis of information obtained from the government and Crown entities.

This report is supported by a series of ten working papers discussing the justice problems and barriers to accessing justice experienced by particular groups of children and young people and is broken up into a series of reports relating to groups identified as likely to experience differing justice problems or barriers to access. These working papers are:

1. Children and young people in care or with care experience;
2. Disabled and neurodiverse children and young people;
3. Tamariki and rangatahi Māori;
4. Pacific children and young people;
5. Rainbow and takatāpui children and young people;
6. Girls and young women;
7. Boys and young men;
8. Poverty and socio-economic disadvantage;
9. Trauma; and
10. Intersectionality.

**Part Three** explores possible solutions or ways to close the justice gap for children and young people in Aotearoa New Zealand. This part of the study is also supported by a series of working papers in relation to possible solutions. At the time of writing these working papers consider the following topics with additional working papers likely to follow:

11. Strategic litigation;
12. Legal service delivery, non-lawyer services, and integrated services;
13. Data, evidence and measuring change;
14. Technology;
15. Training for professionals;
16. Legal education and continuing professional development for lawyers and judges; and
17. Law-related education for children and young people.

The reports and working papers are available at: <https://www.cypaccesstojusticenz.com/>.

# Legal education

## Clinical legal education

Clinical legal education programs can be a valuable tool for exposing law students to the unequal experience of justice:<sup>1</sup>

*Knowledge and skills learned in such a setting introduce students to many issues related to social context which are confronted in a poverty law setting, issues which reflect inequality as a result of gender and/or race and/or disability which are frequently met by students working with clients facing violence, homelessness, discrimination and despair.*

As Weinburg explains, “[t]eaching students within the community context encourages them to think critically about the role of law in society and how it can be used to further social justice.<sup>39</sup>”<sup>2</sup> Several universities in Aotearoa New Zealand offer clinical legal education programmes,<sup>3</sup> but programmes overseas are significantly more established overseas including in their focus on social justice.

For example, Evans et al. explain that clinical legal education in Australia began in the 1970s as part of the broader social upheaval about poverty and equality with courses being established by law schools “whose critical approach to legal education explored the intersections of law and social justice” where “clinical teachers and academics in Australia shared a progressive vision of legal education”.<sup>4</sup> This included a close relationship with community law centres and legal aid agencies with the first clinical programs being established as ‘live client clinics’ in a community legal centre setting.<sup>5</sup>

In the United States an increasing focus on ‘job-ready’ graduates has led to an increase in externship clinical placement programs and work-integrated learning, primarily in the private sector.<sup>6</sup> However, others argue that law schools should not just be focussing on whether students are ‘job-ready’ or ‘practice-ready’, they should also ensure that graduating students are ‘justice-ready’ or “aware of injustice and committed to fighting it in their legal careers” as Weinburg explains:<sup>7</sup>

*Justice-ready graduates can recognise injustice and appropriately evaluate the consequences of their actions in a way that mere practice readiness does not teach.<sup>96</sup> Clinics must move students beyond being just practice ready and prepare them ‘to identify injustice when they see it and develop the skills and strategic thinking to remedy it’.<sup>97</sup> Clinicians must determine which skills and knowledge will improve students’ ability to identify injustice.<sup>98</sup> Further, they must develop and implement teaching interventions to ensure that students acquire these skills.<sup>99</sup> As*

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<sup>1</sup> Voyvodic, R. (2006). Lawyers Meet the Social Context: Understanding Cultural Competence. *Canadian Bar Review*, 84(3), 563-591 at 583.

<sup>2</sup> Weinburg, J. (2021). [Preparing Students For 21st Century Practice: Enhancing Social Justice Teaching In Clinical Legal Education](#). *International Journal of Clinical Legal Education*, 28(1), 5-67 at 13-14.

<sup>3</sup> See below at 9-11.

<sup>4</sup> Evans, A., Cody, A., Copeland, A., Giddings, J., Joy, P., Noone, M. A., & Rice, S. (2017). [Australian Clinical Legal Education: Designing and operating a best practice clinical program in an Australian law school](#). ANU Press at 100-101.

<sup>5</sup> Ibid at 102-103.

<sup>6</sup> Weinburg, [Preparing Students For 21st Century Practice: Enhancing Social Justice Teaching In Clinical Legal Education](#) at 16-17.

<sup>7</sup> Ibid at 26.

*Aiken concludes, 'clinicians can help their students make a commitment to justice in their lives as lawyers. The tools just need to be refined'.<sup>100</sup>*

Evans et al. make a similar argument noting that there is consensus that “[c]linical legal education is a key strategy not just for legal educators determined to strengthen law graduates’ professional capacities, but also in support of the wider and more fundamental task of maintaining the rule of law.”<sup>8</sup>

## **Clinical legal education in Aotearoa New Zealand**

Several universities in New Zealand offer clinical legal education: notably the University of Auckland, AUT, University of Canterbury and the University of Waikato. Most of the clinical legal education programmes have a social justice focus including partnerships with community law centres with the exception of the University of Waikato. Neither the University of Otago or Victoria University of Wellington appear to offer clinical legal education.<sup>9</sup>

Clinical legal education can also be of benefit to less advantaged students who are not able to volunteer to gain practical skills i.e. volunteering is built into their study rather than being in addition to it and/or forcing them to forgo the opportunity for paid work. That said, many university students also report not attending lectures in order to work and the time required to take part in a clinical legal education programme can exceed that required for lectures or tutorials.

University of Auckland now offers LAWPUBL 400: Social Justice Lawyering which is a clinical legal education course providing students with “real-life lawyering opportunities” under the mentorship of experienced practitioners at community law centres.<sup>10</sup> The course is “designed to provide a capstone experience for law students in their final years of study who have an interest in social justice issues and gaining practical experience in this area”. Assessment is via participation, a group activity and a reflection journal.

LAWGENRL 405: Community Law Internship<sup>11</sup> and LAWGENRL 447: Community Law Project<sup>12</sup> were also offered in 2023 summer school. LAWGENRL 405: Community Law Internship involved an internship of a minimum of 150 hours' supervised work in a law-related field with a Law School-approved non-profit, or government entity under the supervision of a legal professional or a qualified supervisor from the organisation.<sup>13</sup> LAWGENRL 447: Community Law Project involved participation in, and a report on, an approved project involving at least 75 hours with an approved community organisation and evaluation of the issues arising therefrom under the supervision of a legal professional or a qualified supervisor from the organisation.

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<sup>8</sup> Evans et al., [Australian Clinical Legal Education: Designing and operating a best practice clinical program in an Australian law school](#) at 2.

<sup>9</sup> I could not find any clinical legal education programmes when searching the course guides nor were any programmes at these Universities mentioned in a recent article on public interest law in New Zealand by the Equal Justice Project: Equal Justice Project (Pro Bono Team). (2020). [The State of Public Interest Law in Aotearoa New Zealand](#). *Public Interest Law Journal of New Zealand*, 7, 5-34.

<sup>10</sup> University of Auckland. (2023). *LAWPUBL 400: Social Justice Lawyering*. <https://courseoutline.auckland.ac.nz/dco/course/LAWPUBL/400/1233>

<sup>11</sup> University of Auckland. (2022). *LAWGENRL 405: Community Law Internship*. <https://courseoutline.auckland.ac.nz/dco/course/LAWGENRL/405/1230>

<sup>12</sup> University of Auckland. (2022). *LAWGENRL 447: Community Law Project*. <https://courseoutline.auckland.ac.nz/dco/course/LAWGENRL/447/1230>

<sup>13</sup> University of Auckland, *LAWGENRL 405: Community Law Internship*.

LAWPUBL 461: Indigenous Rights Legal Clinic was a clinical legal education course “with a focus on gathering tikanga Māori based evidence for litigation and advocacy”.<sup>14</sup> The course involved a mix of classroom, workshop and experiential learning where students worked “alongside legal practitioners to apply these skills in a real-life context”.

Another previously offered paper is LAWPUBL 470: Special Topic: Social Welfare Law, Policy and Action.<sup>15</sup> This paper involved students studying the legal regimes relating to social security, social welfare benefits, social housing and ACC before using this foundation to “engage in clinical work, writing submissions and acting as advocates for social security claimants who are seeking to challenge decisions” under the supervision of a lecturer or a community law centre.<sup>16</sup> It does not appear to have been offered since 2021.

AUT University also offer a full year clinical legal education course, LAWS 776 Clinical Legal Education.<sup>17</sup> Students enrolled in this course volunteer at a community or government organisation then write a report based on their experiences.<sup>18</sup> Kris Gledhill, Associate Professor in Law and Director of Clinical Legal Education AUT describes the course as experiential learning which involves “[l]earning by doing” and gives “students opportunity to question, to reflect on their own role, as well as the process they’re involved in”.<sup>19</sup>

University of Canterbury offer a clinical legal education course LAWS386: Clinical Legal Studies which “provides students with applied legal skills and selected management skills training in a context that replicates actual legal practice in the legal, NGO and business services environment. During the course you will assist actual clients with legal problems at the Campus Law Clinic, under the supervision of practising lawyers.”<sup>20</sup> Assessments appear to be much more robust including “a legal opinion, assignment/presentation, letter of demand, time-limited test, interviewing assessment, and attendance and participation”. The University of Canterbury has a dedicated director of Clinical Legal Studies, Robin Palmer, who oversees this course, and has background and interest in legal education reform and improving access to justice.<sup>21</sup> University of Canterbury also offer a legal internship course LAWS382 Legal Internship through which “students to develop and apply their legal knowledge and skills in workplace placements of 80 hours or more”.<sup>22</sup>

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<sup>14</sup> University of Auckland. (2021). *LAWPUBL 461: Indigenous Rights Legal Clinic*.<https://courseoutline.auckland.ac.nz/dco/course/LAWPUBL/461/1223>

<sup>15</sup> University of Auckland. (2021). *LAWPUBL 470: Special Topic: Social Welfare Law, Policy and Action*.<https://courseoutline.auckland.ac.nz/dco/course/LAWPUBL/470/1213>

<sup>16</sup> University of Auckland. (2021). *LAWPUBL 470: Special Topic: Social Welfare Law, Policy and Action*.<https://courseoutline.auckland.ac.nz/dco/course/LAWPUBL/470/1213>

<sup>17</sup> Auckland University of Technology. (2022). *Course Title: Clinical Legal Education*.<https://paperdescriptorreport.aut.ac.nz/PaperDescriptor/PaperDescriptor?courseCode=LAWS776&date=2023-03-13&saveFormat=pdf> See also <https://arion.aut.ac.nz/ArionMain/CourseInfo/Information/Qualifications/Details/PaperDetails.aspx?actiontype=2&id=39348&id2=3766>

<sup>18</sup> Equal Justice Project (Pro Bono Team), [The State of Public Interest Law in Aotearoa New Zealand](#) at 29.

<sup>19</sup> Thomson Reuters. (2016). *Pracademic v academic - Kris Gledhill - AUT's social justice initiative in action*. <https://support.thomsonreuters.co.nz/product/training/updates-alerts/pracademic-v-academic-kris-gledhill-auts-social-justice-initiative>

<sup>20</sup> University of Canterbury. (2023). *Clinical Legal Studies*.[https://www.canterbury.ac.nz/courseinfo/GetCourseDetails.aspx?course=LAWS386&occurrence=23S2\(C\)&year=2023](https://www.canterbury.ac.nz/courseinfo/GetCourseDetails.aspx?course=LAWS386&occurrence=23S2(C)&year=2023)

<sup>21</sup> Equal Justice Project (Pro Bono Team), [The State of Public Interest Law in Aotearoa New Zealand](#) at 29.

<sup>22</sup> University of Canterbury. (2023). *LAWS382: Legal Internship*.<https://www.canterbury.ac.nz/courseinfo/GetCourseDetails.aspx?course=LAWS382&year=2023>

The University of Waikato offers a research clerk programme in a wide range of different contexts with the course described as “[a]n opportunity to develop and show-case your critical thinking, research, writing and oratory skills” with placements including “law firms, legal practitioners, businesses, companies, government departments/ministries and councils.”<sup>23</sup> The University of Waikato also offers both 15 and 30 point work placements.<sup>24</sup> Assessments in both courses are via a placement journal and final essay.

## Best practice in clinical education

In Australia the Australian Learning and Teaching Council funded a research project involving an in-depth 27-month investigation of all identifiable Australian clinical legal education programmes.<sup>25</sup> The researchers drew from this research study to identify an extensive number of best practices for Australian clinical legal education organised under seven themes Course Design, Law in Context in a Clinical Setting, Reflective Student Learning, Assessment, Supervision, Staff and Infrastructure.<sup>26</sup> These best practices were further refined and extended in Evans et al.’s 2017 publication, [\*Australian Clinical Legal Education: Designing and operating a best practice clinical program in an Australian law school\*](#).<sup>27</sup> Evans et al.’s 2017 book also compares and contrasts best practices in Australia with those in the United Kingdom and the United States.

Each thematic area of best practice is worth exploring in its own right but I have just touched on two areas below where many of the courses described above appear to fall well short of what is considered to be best practice in Australia – course design and supervision.

### Course design

Evans et al.’s best practices principles relating to course design are:<sup>28</sup>

#### 1. A clinical course is designed:

*1.1. to promote specified student Learning Outcomes suited to clinical legal education;*

*1.2. to engage students in the operation of law, to ensure they are supervised in that engagement and to enable them to critically analyse the law and reflect on their experience;*

*1.3. with academic and practical content to support the Learning Outcomes and with assessment tasks that align with the Learning Outcomes.*

*2. The clinical experience should recognise the importance of finding the correct balance between high quality services to clients and providing the best educational experience for students.*

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<sup>23</sup> The University of Waikato. (2023). *Research Clerk - LEGAL419* (2022) <https://papers.waikato.ac.nz/papers/2022/LEGAL419>

<sup>24</sup> The University of Waikato. (2023). *LEGAL496-22X (HAM) Work Placement*. [https://paperoutlines.waikato.ac.nz/outline/LEGAL496-22X%20\(HAM\)](https://paperoutlines.waikato.ac.nz/outline/LEGAL496-22X%20(HAM)) & The University of Waikato. (2023). *Work Placement - LEGAL497*. (2022). <https://papers.waikato.ac.nz/papers/2022/LEGAL497>

<sup>25</sup> Evans, A., Cody, A., Copeland, A., Giddings, J., Noone, M. A., Rice, S. & Booth, E. (2013). [\*Best Practices: Australian Clinical Legal Education\*](#). Government of Australia, Office of Learning and Teaching.

<sup>26</sup> Ibid at 6.

<sup>27</sup> Evans et al., [\*Australian Clinical Legal Education: Designing and operating a best practice clinical program in an Australian law school\*](#) at 4.

<sup>28</sup> Evans et al., [\*Best Practices: Australian Clinical Legal Education\*](#) at 49.

In my view, based on a desktop review and my own personal experience of students undertaking clinical legal education placements at YouthLaw Aotearoa, points 1.1 and 1.2 are likely to be fulfilled but it is much less clear that points 1.3 and 2 would be met.

In particular, Evans et al. expand on point 1.3, by explaining:<sup>29</sup>

*5. Every clinic shall have a classroom component that regularly provides students with opportunities to place their experience in the context of academic materials, to engage in guided reflection of their experiences and to share reflections on their clinical experience. Academic staff are responsible for designing, teaching and assessing a classroom component. A classroom component regularly provides students with opportunities to:*

*5.1. understand their experience by reference to academic materials;*

*5.2. engage in guided reflection on their experiences; and*

*5.3. share reflections on their clinical experience with other students.*

Only three of the courses described above seem to include a classroom component, LAWS386: Clinical Legal Studies offered by Canterbury University, and LAW PUBL 461: Indigenous Rights Legal Clinic and LAW PUBL 470: Special Topic: Social Welfare Law, Policy and Action previously offered by the University of Auckland. Of these three courses, only LAWS386: Clinical Legal Studies still seems to be offered to students. It is unclear from the publicly available information I have been able to locate why the other Universities do not offer a classroom component. However, one possibility is that having a classroom component in addition to participation in the placement and any assessments creates more work for both University staff and students. Indeed, Evans et al. note that “enthusiasm for class is not necessarily shared by clinic students”.<sup>30</sup>

The final point 3, is closely related to the other aspect of best practice I wish to explore, supervision. Once again, only the three courses mentioned above appear to allow for consideration of the need to balance “high quality services to clients and providing the best educational experience for students” as the clinical experience is largely controlled by the host organisations rather than the University.

## *Supervision*

Evans et al.’s guide to establishing a best practice clinical programme emphasises the importance of student supervision:<sup>31</sup>

*Close supervision of students is significant in providing the scaffolding that enables novices to further develop their professional skills: By making explicit important features of good performance through various conceptual models and representations, teachers can guide the learner in mastering complex knowledge by small steps. These devices of representation serve as scaffolds (in the language of learning theorists) to support efforts at improved performance.<sup>26</sup>*

This can be compared with the common practice in New Zealand universities where student supervision is generally the responsibility of the community law centre or other organisation in which the student is placed and the university’s role is generally limited to assessment of the

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<sup>29</sup> Ibid at 50.

<sup>30</sup> Evans et al., [\*Australian Clinical Legal Education: Designing and operating a best practice clinical program in an Australian law school\*](#) at 90-91.

<sup>31</sup> Ibid at 129-130.



students' reflections or other reports on their experience. Evans et al. also discuss the debate in relation to these two models of supervision:<sup>32</sup>

*Divergent views have been taken of the particular benefits students derive from being supervised by a practitioner-academic rather than by an external person who, while often having lengthy practice experience, must prioritise other responsibilities and may have little experience in working supportively with students.*

My own personal experience is that the supervision provided in community law centres is primarily focussed on the clients, rather than on students' learning experience (although supervisors will not be completely blind to such concerns as when supervising any more junior member of the team). The level of supervision anticipated by Evan et al. seems to be far in excess of what is realistically possible in the constrained environment of community law centres in Aotearoa New Zealand. This may suggest that in terms of the learning opportunity, some supervision is also required from the university although I question the extent to which academics who have not actually practised law can supervise casework. Overall, I see benefits in a joint approach, variations of which seem to be a feature of many clinical legal education programmes in other jurisdictions i.e. the law centre provides legal supervision focussing on client safety and the university's focus is on the learning opportunity.

Evan et al. also anticipate the universities giving much more support and guidance to organisations with whom students have been placed for example:<sup>33</sup>

*In agency clinics and externships the training is provided to supervisors by the law school in conjunction with the agency. Training addresses the ways in which the dual purposes of client service and student learning can be advanced together. There is a shared commitment to meaningful liaison between academic staff and externship agency staff. ... Law schools and their clinical courses provide to supervisors:*

- *structures to effectively support junior and sessional supervisors;*
- *a supervisor manual;*
- *access to other clinical supervisors for mentoring purposes;*
- *sufficient time to develop supervision skills before a full supervision load is required of them; and*
- *sufficient time and resources to ensure their professional development – in both clinical teaching and the areas of law in which they are practising.*

*In agency clinics and externships supervisors receive an induction into clinical methodology and some training in supervision. This training addresses the provision of feedback to students.*

While I have no doubt that providing this sort of training would be of value to both supervisor and students, I am not sure that many community law centre staff would necessarily have the capacity to undertake it in addition to their day-to-day responsibilities.

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<sup>32</sup> Evans et al., [\*Australian Clinical Legal Education: Designing and operating a best practice clinical program in an Australian law school\*](#) at 142-143.

<sup>33</sup> Ibid at 57.

## Impact of clinical education

There has been some interesting research recently in other jurisdictions focussing on the impact of clinical legal education on students. For example, Donnelley “briefly summarise the literature on previous endeavours to measure the impact of clinical participation; Part Three will outline the methodology behind and outcomes of my modest survey; Part Four will ponder “the good, the bad and the ugly” of the mostly unflinching answers that were elicited; and finally, the article will close with a play on a question that inspired the survey and this article: What, then, will we do?”<sup>34</sup> He cites a United States study which found little evidence of a relationship between clinical training experiences and new lawyers’ civic participation or pro bono service although there was “a strong relationship between clinical training experiences and public service employment” but only for new lawyers who reported that they entered the profession for civic reasons.<sup>35</sup> After reviewing the results of two surveys in the United States and one in Ireland of lawyers who had gone through a clinical legal education programme as part of their law degree he concluded:<sup>36</sup>

*[T]he common, undeniable thread running through the “After the JD,” Saskatchewan and Galway surveys is that clinicians are having a quite pronounced impact in the skills dimension and a rather negligible impact in the civic dimension of lawyer training.*

Donnelley pointed to the economic realities facing graduates as one possible reason for this commenting: “it is easy to decry a lack of correlation between clinic enrolment as a student and public interest or government employment as a lawyer. But it is equally easy to comprehend in a context where these jobs are regularly limited in number and poorly remunerated as inflation continues to soar.”<sup>37</sup>

Another study by Lawton et al. used the Basic Empathy Scale to examine whether law student participation in law clinic and tax clinic modules had any effect on students’ self-reported empathy levels.<sup>38</sup> They found that:<sup>39</sup>

*Overall, there was a positive shift in empathy scores for our clinic students. The literature demonstrates that measuring empathy is not simple, and there are significant questions as to whether empathy can be altered by external activities. In addition, the self-reporting nature of the Basic Empathy Scale raises questions as to whether our students are actually more empathetic in reality. Nonetheless, the data demonstrates that the law students who have engaged in clinical legal education at least perceive themselves to be more empathetic.*

However, three students reduced their empathy scores with Lawton et al. suggesting various possible reasons: “as a coping mechanism, because they have started work with clients, or a loss of idealism”.<sup>40</sup> They also conclude that it is not enough to just place students in a clinical setting and expect to see their empathy thrive and grow, rather it is “important to frame and

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<sup>34</sup> Donnelley, L. (2022). [Measuring the Impact of Clinic Participation on Law Graduates: A Small Case Study](#). *International Journal of Clinical Legal Education*, 29(2), 112-134 at 116.

<sup>35</sup> Ibid at 118.

<sup>36</sup> Ibid at 132.

<sup>37</sup> Ibid at 133.

<sup>38</sup> Lawton, A., Saban, K., & Whittam, S. (2022). [Do We Want a Human First, and a Lawyer Second? Developing Law Student Empathy Through Clinical Legal Education](#). *International Journal of Clinical Legal Education*, 29(1), 4-31.

<sup>39</sup> Ibid at 24.

<sup>40</sup> Ibid at 25.

structure the feedback that students receive to best promote empathy growth”.<sup>41</sup> Lawton et al. suggest that “clinical legal educators might want to consider adding empathy as a discrete learning outcome to their clinics or to consider more informally how their clinics help to foster and grow empathy in their law students” for example, a learning outcome requiring students “[t]o be able to identify emotionally difficult situations in the clinic and reflect on your own response to them”.<sup>42</sup> My view is that this would be a valuable approach which could also extend to considering trauma-informed legal practice and an understanding of vicarious trauma.

### **Case study: Youth Law clinic at ANU**

The ANU Youth Law Clinic is a clinical programme based at the Youth Law Centre, a non-profit legal service for ACT youth aged 12-25 years with students focussing on legal assistance, social justice and reform relating to youth legal needs in the ACT.<sup>43</sup> Students work alongside other solicitors and paralegals under the supervision of the YLC supervising lawyer, and paralegal coordinator.<sup>44</sup> Their work includes: “preparing for and performing client interviews, briefing solicitors, researching legal issues, drafting litigation correspondence along with court and tribunal applications, undertaking conflict checks, answering phones and responding to e-mails.”<sup>45</sup>

Students must apply to participate and if successful are enrolled in LAWS 627. The course objectives are focussed on the learning opportunity for students including:<sup>46</sup>

- *contextualise the study of law and student learning in a wide range of other law courses;*
- *guide and support students in identifying, developing and applying ethical legal practice skills;*
- *develop students' critical understanding of legal practice approaches, the roles of lawyers in relation to individual clients and social justice issues; and*
- *encourage, promote and validate student aspirations to promote access to justice and equality before the law.*

There is limited information about the programme online but it does not appear to have been evaluated.

### **Case study: Youth and Education Law Project, Stanford University**

At Stanford University in the United States the Mills Legal Clinic provides a range of individualized, hands-on learning opportunities for law students with a broad range of aspirations including working in a large firm, becoming entrepreneurs, making policy, or engaging in full-time public service.<sup>47</sup> One of these programmes is the Youth and Education Law Project in which students work at the clinic full-time for a semester under the supervision of the Clinic Director Professor Bill Koski, a Clinical Supervising Attorney and a Legal

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<sup>41</sup> Ibid at 26-27.

<sup>42</sup> Ibid at 30.

<sup>43</sup> Australian National University. (n.d.). *Youth Law Clinic*.

<https://programsandcourses.anu.edu.au/course/laws6267>

<sup>44</sup> Legal Aid ACT. (n.d.). *Youth Law Centre*. <https://www.legalaidact.org.au/what-we-do/youth-law-centre?fbclid=IwAR0DW6v5-7IHkubUo0bPqXYGpE3xXAVNKOCTuAgEF5zxKJVJgHY9HJL8OnA>

<sup>45</sup> Legal Aid ACT, *Youth Law Centre*.

<sup>46</sup> Australian National University. (n.d.). *Youth Law Clinic*.

<https://programsandcourses.anu.edu.au/course/laws6267>

<sup>47</sup> Stanford Law School. (n.d.). *Mills Legal Clinic: What we do*. <https://law.stanford.edu/mills-legal-clinic/what-we-do/>

Assistant.<sup>48</sup> Students at the clinic work on cases involving disadvantaged youth and their communities to ensure that they have access to equal educational opportunities.<sup>49</sup>

Students at the clinic also undertake research and develop legal information resources relating to the law and young people. For example, clinic students undertook research on the delivery of educational services in juvenile detention centres including assessing available resources and whether they were under-resourced as well as special education services and whether students had access to appropriate services and interventions.<sup>50</sup> An example of a legal information resource developed by the clinic is a 21-page guide called “Protecting Undocumented and Vulnerable Students developed following immigration reforms affecting as many as 250,000 undocumented students and 750,000 children of undocumented parents in California.”<sup>51</sup>

## Case study: Street Law

The Street Law program originated at Georgetown University Law Center in 1972 as a practical course in the law for high school students taught by law students for academic credit but is now operating at more than 50 law schools in the United States, dozens of international law schools, and in a variety of community and non-profit partnerships.<sup>52</sup> None of these are in Aotearoa New Zealand but there is a Street Law programme at the University of Melbourne.<sup>53</sup> Street Law involves law students or lawyers teach about the law in local school, correctional, and community settings”.<sup>54</sup> It both “appeals to law schools responding to the legal profession’s demand for lawyers who can contribute quickly and learn on their feet” and “helps satisfy the voracious desire of lay people to understand their rights and responsibilities”.<sup>55</sup> Arthurs et al. further explain the educational benefits to those participating in the Street Law programme as trainees (the law students and/or young lawyers who deliver sessions) and students (the predominantly school students attending legal education sessions delivered by law students):<sup>56</sup>

*Law students and young lawyers delivering Street Law programs acquire invaluable practical skills and perspective on the law and their role in the legal profession and as members of the broader community. Law societies, law schools, and bodies committed to legal education can use Street Law as an accessible vehicle for promoting understanding of the law, encouraging interest and appreciation for the legal profession, and reshaping and crafting a new narrative around the role of lawyers and law students in promoting access to justice. Students and community members who experience Street Law trainings develop their critical thinking,*

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<sup>48</sup> Stanford Law School. (n.d.). *Youth and Education Law Project*. <https://law.stanford.edu/stanford-lawyer/articles/youth-and-education-law-project/>

<sup>49</sup> Driscoll, S. (2011). Preparing for Legal Practice: Youth and Education Law Project. *Stanford Lawyer*. <https://law.stanford.edu/stanford-lawyer/articles/preparing-for-legal-practice/>. Other cases Stanford Law School. (n.d.). *Youth and Education Law Project: YELP cases*. <https://law.stanford.edu/youth-and-education-law-project/yelp-cases/#sidenav-civil-litigation-matters>

<sup>50</sup> Perez, C. (2017). Youth and Education Law Project. *Stanford Lawyer*. <https://law.stanford.edu/stanford-lawyer/articles/youth-and-education-law-project/>

<sup>51</sup> Ibid. See: Wald, M.S., Koski, W.S. Koski, Berry-Smith, J., Brim, S., Hite, C., & Li, R. (2017). *Protecting Undocumented and Vulnerable Students*. Stanford Law School.

<sup>52</sup> Arthurs, S., Cooperman, M., Gallagher, J., Grealy, F., Lunney, J., Marrs, R., & Roe, R.L. (2017). *From zero to 60: Building belief, capacity and community in Street Law instructors in one weekend*. *International Journal of Clinical Legal Education*, 24(2), 118-241 at 124.

<sup>53</sup> University of Melbourne. (2023). *Street Law (LAWS50102)*. <https://handbook.unimelb.edu.au/2023/subjects/laws50102>

<sup>54</sup> Arthurs et al., *From zero to 60: Building belief, capacity and community in Street Law instructors in one weekend* at 118.

<sup>55</sup> Ibid at 120.

<sup>56</sup> Ibid at 232.

*expressive, and cognitive skills, become familiar with the concepts and theories behind practical legal subjects, and gain new insights into their rights and responsibilities as citizens.*

However, Arthurs et al. also acknowledges that the Street Law programme in Ireland and Scotland has not been formally evaluated.<sup>57</sup>

Golob from the University of California, Irvine undertook a programme evaluation and developed a theoretical framework for understanding its impact on law students and assessing other public law education programs.<sup>58</sup> They found that respondents reported a range of benefits and/or skill development from participating in the programme including:

- Teaching legal concepts to a non-lawyer required them to master legal material in a way not required in the classroom environment and helped them to retain it;<sup>59</sup>
- Having the opportunity to apply the material they learnt in class in practical contexts also provided additional motivation to master it;<sup>60</sup>
- Students' goal for learning changed from doing well on the exam to being able to retain the material to advocate for future clients;<sup>61</sup>
- Participating in Street Law helped students to rediscover what they liked about learning specifically in the law school context;<sup>62</sup>
- Participants also reported that participating in the programme helped them to redefine what success looked like and what they really wanted to do in their career;<sup>63</sup>
- Key skills developed through the Street Law programme included communicating legal material to non-lawyers<sup>64</sup> and increased confidence in public speaking<sup>65</sup> and developing lawyer-client relationships;<sup>66</sup>
- Participants also reported developing soft skills including being able to see the world through the eyes of others (empathy), community involvement and service, and listening.<sup>67</sup>

Another interesting finding was that those students involved programmes with a faculty director reported a greater increase of confidence for several skills between pre-test and post-test. Golob concluded that further research should explore the potential benefits of having a faculty director rather than operating student-run initiatives, but also reported that other scholars now argue that Street Law programmes should be part of Universities' credit-bearing curriculum to ensure their effectiveness for students.<sup>68</sup>

This finding is of particular interest as the most similar programme currently operating in Aotearoa New Zealand is the Rights Education Project run by Community Law Wellington &

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<sup>57</sup> Arthurs et al., [From zero to 60: Building belief, capacity and community in Street Law instructors in one weekend](#) at 230-231.

<sup>58</sup> Golob, B. (2021). [Student in the Seats, Teacher in the Streets: Evaluating the Impacts of Law Students Becoming "Street Law" Teachers](#). *International Journal of Public Legal Education*, 5(1), 37-93 at 37.

<sup>59</sup> Ibid at 55.

<sup>60</sup> Ibid at 56.

<sup>61</sup> Ibid at 57.

<sup>62</sup> Ibid at 58.

<sup>63</sup> Ibid at 60.

<sup>64</sup> Ibid at 65.

<sup>65</sup> Ibid at 68.

<sup>66</sup> Ibid at 71.

<sup>67</sup> Ibid at 75.

<sup>68</sup> Ibid at 82.

Hutt Valley.<sup>69</sup> The resources for the Rights Education Project are available online and include facilitator notes, slides and a basic evaluation form.<sup>70</sup> The programme is delivered by the student run organisation Wellington Community Justice Project in partnership with Community Law Wellington & Hutt Valley.<sup>71</sup> The Equal Justice Project Access team also undertakes legal education presentations in secondary schools.<sup>72</sup>

## Other skills

Recent research by Churchill Fellow Andrea Perry-Peterson in Australia discusses some of the other skills that law students should be taught in law school in order to be part of the solution to current access to justice challenges including:<sup>73</sup>

- design thinking;
- understanding the principles of technology – best use cases, limitations and ethical issues;
- working in multidisciplinary teams;
- legal operations including process improvement; and
- concepts of entrepreneurship.

She suggests these schools be taught through both including topics relating to access to justice in either “standalone subjects, incorporated in core subjects or clinical education” as well as through innovative practices such as Law Labs, Law Apps courses, and hackathons.<sup>74</sup> Law Labs or Legal Innovation Labs often have four common elements:<sup>75</sup>

- students working in (multidisciplinary) teams;
- with industry stakeholders (such as a court or not-for-profit legal provider);
- to develop a prototype or pilot of a visual, product or service; with
- a focus on design, implementation and evaluation.

For example, the Stanford Law School Legal Design Lab run by legal design guru Margaret Hagan website has three focus areas.<sup>76</sup>

- Teaching & Training: Running workshops & teaching classes on how legal design & technology can be applied to specific problems in the world of law.
- Building and evaluating new products: The lab creates concept designs for new legal products & services, then builds them in a research-driven process to create results about what works in legal innovation.
- Researching & publishing findings: The lab’s ultimate goal is to build a stronger community around innovation in legal services, and to do this they have adopted a

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<sup>69</sup> Community Law Wellington & Hutt Valley. (n.d.). *Rights Education Project*. <http://www.wclc.org.nz/our-services/rights-education-project/#:~:text=The%20Rights%20Education%20Project%20is,tested%20and%20heaps%20of%20fun.>

<sup>70</sup> Community Law Wellington & Hutt Valley, *Rights Education Project*. These resources were developed in 2021 and are currently being updated to reflect changes to the law.

<sup>71</sup> Wellington Community Justice Project. (n.d.). *Education*. <https://www.wellingtoncjp.com/education>

<sup>72</sup> Equal Justice Project. (n.d.). Access. <https://www.equaljusticeproject.co.nz/access-team>

<sup>73</sup> Perry-Peterson, A. (2021). *Reimagining Justice - A manifesto to transform access to civil legal services*. The Winston Churchill Memorial Trust at 39.

<sup>74</sup> Ibid at 41. Perry-Peterson also recommends that organised consider ways to manage student expectations and investigate options to increase the viability and sustainability of the outcomes of Law Apps and hackathons.

<sup>75</sup> Ibid at 31.

<sup>76</sup> Stanford Law School. (n.d.). *Legal Design Lab a new generation of legal services & leaders: About*. <https://www.legaltechdesign.com/about/>

core open-source ethic which involves publishing their process, findings, and finished products when they undertake experiments.

Law Apps courses are courses where student teams work with non-profit service providers to build apps that increase access to the legal system.<sup>77</sup> Georgetown Law and Neota Logic pioneered the 'Law App' curriculum which uses Neota Logic non-code software applications licenced to the not-for-profit partner for a period of time.<sup>78</sup> Examples of apps developed by law students are hosted on the Neota Logic website including a youth worker's wage checker developed by Melbourne Law School students.<sup>79</sup> The Law Apps model has been adopted by some Australian law schools<sup>80</sup> but I am not aware of any in Aotearoa New Zealand.

## Specific areas of the law or groups

The relevant components of a clinical legal education course are arguably related to the area of the law in which students are likely to practice e.g. learning about trauma informed legal practice is highly relevant to lawyers practicing in criminal, family and any aspect of social welfare law whereas it is probably less relevant to commercial law.

## Disabled and neurodiverse

As Larson argues, “[t]raining advocates to provide services to a population that may have significantly different needs even within that population may be a more efficient and effective way to improve access to justice than by attempting to draft laws and regulations that somehow address all possible circumstances.”<sup>81</sup> Although this is not a focus in New Zealand law schools as far as I am aware, in other jurisdictions many law schools offer learning opportunities relating to representing disabled people, advocate for policy change, the development of resources for disabled people including through clinical programmes.<sup>82</sup> For example, the National University of Ireland, Galway has an LL.M program in International and Comparative Disability Law and Policy, hosts the Centre for Disability Law and Policy and the International Disability Summer School, as well as providing a range of accommodations for disabled people.<sup>83</sup> Larson suggests that the Universities approach demonstrates that “[i]t is important not only to teach advocates about the regulatory context and unique problems that may be faced by persons with disabilities, it also is important to provide guidance concerning how to interact effectively with persons with disabilities”.<sup>84</sup>

The Coelho Center at Loyola Law School in Los Angeles is “a scholarly community dedicated to the study of disability studies, fosters students and practitioners interested in working with the disability community” it also focusses on increasing the pipeline of lawyers with disabilities including through bringing “attention and solutions to the barriers that exist for people with disabilities interested in entering the legal field, becoming public policy experts, and holding political office”.<sup>85</sup> The Coelho Center offers a range of programmes including a fellowship programme for disabled college students interested in going to law school involving mentoring

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<sup>77</sup> Ibid at 33.

<sup>78</sup> Ibid.

<sup>79</sup> Neota Logic. (n.d.). *Law Student Application Examples*. <https://applications.neotalogic.com/a/lis-showcase>

<sup>80</sup> Perry-Peterson, *Reimagining Justice - A manifesto to transform access to civil legal services* at 34.

<sup>81</sup> Larson, D.A. (2014). Access to Justice for Persons with Disabilities: An Emerging Strategy. *Laws*, 3(2), 220-238 at 221.

<sup>82</sup> Ibid at 229.

<sup>83</sup> Ibid at 229-230.

<sup>84</sup> Ibid at 229-230.

<sup>85</sup> Loyola Law School. (n.d.). *The Coelho Center: Our Mission and Guiding Principles*. <https://www.lls.edu/coelhocenter/ourmissionandguidingprinciples/missionandareasoffocus/>

from disabled law students and lawyers as well as a series of internships for disabled law students.<sup>86</sup>

## Culture

### *Te Ao Māori and tikanga*

A major new development in legal education in Aotearoa New Zealand is the New Zealand Council of Legal Education's unanimous approval of a resolution to include concepts of Te Ao Māori and tikanga in all core law degree courses.<sup>87</sup> It is also likely that tikanga will be added to the curriculum as a new core subject.<sup>88</sup> This decision followed public debate and public statements by senior members of the judiciary in relation to the need for lawyers and judges to be aware of, and comfortable with, tikanga and its place in New Zealand law.<sup>89</sup>

A related issue is the need for legal education to prepare students for practice as Dean of AUT Law School Khylee Quince commented in a recent interview discussing the Council of Legal Education's resolution and the Peter Ellis decision:<sup>90</sup>

*A key question is whether our lawyers are fit to represent and advocate for our populations? The worst thing that could happen is that legal education and practice doesn't change while our population changes rapidly and then they can't connect to one another.*

### *Cultural competence*

The need for law students to understand the social context of their clients, including being culturally competent has led to some Universities in Canada incorporating cultural competence into clinical legal education. One technique is teaching students five habits required of culturally competent practitioners:<sup>91</sup>

- 1. take note of the differences between the lawyer and the client;*
- 2. map out the case, taking into account the different cultural understandings of the lawyer and the client;*
- 3. brainstorm additional reasons for puzzling client behavior;*
- 4. identify and solve pitfalls in lawyer-client communications to allow the lawyer to see the client's story through the client's eyes; and*
- 5. examine previous failed interactions with the client and develop pro-active ways to ensure those interactions do not take place in the future.*

Other techniques include using professional role models to demonstrate cultural competence in complex situations including through mentorships, job-shadowing, and pro bono programmes.<sup>92</sup> Voyvodic suggests that a first step which could "be implemented immediately is a pledge on the

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<sup>86</sup> Loyola Law School. (n.d.). *The Coelho Center: Pipeline for Students with Disabilities*. <https://www.lls.edu/coelhocenter/pipelineforstudentswithdisabilities/>

<sup>87</sup> Clement, D. (2021). Tikanga becomes compulsory for law students. *ADLS LawNews*, 14, 1-4 at 1.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid at 1-2.

<sup>90</sup> Barnett, J. (2021). Transforming the lawyers of tomorrow. *LawTalk*, 947, 37-41 at 41.

<sup>91</sup> Voyvodic, Lawyers Meet the Social Context: Understanding Cultural Competence at 586.

<sup>92</sup> Ibid at 589-590.



part of law schools and law societies to fostering the knowledge, skills and attitudes of a culturally competent practitioner among law students and lawyers in Canada today.”<sup>93</sup>

### *Pacific peoples*

The Michael and Susan Borrin Foundation are currently funding a research study which aims to “increase the number of Pasifika in the legal profession and facilitate Pasifika legal practitioners as leaders in the profession by improving legal education.”<sup>94</sup> The first stage of this research is complete, a literature review bringing together existing research on barriers to Pasifika people entering the legal profession.<sup>95</sup> The literature review identifies a number of barriers, including gaps in the research and data, before concluding:<sup>96</sup>

*This literature review highlights the need for a framework that acknowledges both the cogency of cultural influences and the inherent challenges associated with a monocultural paradigm requisite to understanding how Pasifika law students, law graduates and law professionals may succeed. The review demonstrates the need for a collaborative, multidisciplinary and community-based understanding for improved Pasifika success in legal education and the law profession.*

The next stage will involve talanoa [conversations] with Pasifika law students and legal professionals followed by a further report which will make recommendations to increase the number of Pasifika lawyers.<sup>97</sup>

### **Trauma**

As Katz and Haldar explain, clients often seek help from lawyers when they are highly vulnerable and emotional, and in areas of law such as family law, immigration, child protection, criminal law and others, clients need to share incredibly intimate and painful information including about traumatic experiences.<sup>98</sup> This means that law students who intend to work in these areas of practice:<sup>99</sup>

*[M]ust learn to recognize the effects these traumatic experiences may have on their clients' actions and behaviors. Further, law students must learn to recognize the effect that their clients' stories and hardships are having on their own advocacy and lives as a whole. It is particularly crucial that we educate our law students about the effects of vicarious trauma and help them develop tools to manage its effects as they move through their clinical work, and ultimately into legal practice.*

Katz and Haldar suggest that rather than waiting until lawyers enter practice, law schools can and should teach trauma-informed lawyering, particularly in the law clinic setting as it is “particularly well-suited to teach trauma-informed lawyering because of the focus on reflective

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<sup>93</sup> Voyvodic, Lawyers Meet the Social Context: Understanding Cultural Competence at 589-590.

<sup>94</sup> Michael and Susan Borrin Foundation. (n.d.). *Equality, Belonging and Authority / Power – How can Law, Policy and Practice support best outcomes for Pasifika in Aotearoa New Zealand – Improving Pasifika Legal Education*. <https://www.borrinfoundation.nz/equality-belonging-and-authority/>. See also the research website: Victoria University of Wellington (n.d.) *Pasifika Legal Education Research Hub*. <https://www.wgtn.ac.nz/pasifika-legal/research-themes>

<sup>95</sup> Tupuo-Vaitohi, M. & Gucake, W. (2022). *Improving Pasifika Legal Education Project: Literature Review on the barriers and interventions supporting Pasifika people succeeding in law school and taking up a career in the legal profession*. Victoria University of Wellington.

<sup>96</sup> Ibid at 7.

<sup>97</sup> Victoria University of Wellington. (n.d.). *Pasifika Legal Education Research Hub: Literature Review*. <https://www.wgtn.ac.nz/pasifika-legal/research-themes/literature-review>

<sup>98</sup> Katz, S., & Haldar, D. (2016). The pedagogy of trauma-informed lawyering. *Clinical Law Review*, 22(2), 359-394 at 361.

<sup>99</sup> Ibid at 362.

practice, and their capacity to teach law students important practice skills to take into their legal careers.”<sup>100</sup> Teaching law students about trauma-informed legal practice also encourages students to think critically about the legal system, as well as issues relating to procedural justice and true substantive justice.<sup>101</sup> It also reinforces the importance of client-centred legal practice.<sup>102</sup>

Smyth et al. are two legal clinicians/academics and a social psychologist who “developed and evaluated a trauma informed educational Module for law students working in clinical law settings with clients experiencing low income” because they had observed that “law students struggled to comprehend how their clients’ thoughts and behaviours could be psychosocial manifestations of trauma, and adapt their legal practice accordingly”.<sup>103</sup> They piloted the module on three occasions in three locations in Canada and invited attendees to participate in an evaluation involving the completion of pre and post-test qualitative surveys which assessed shifts in students’ beliefs and knowledge as a proxy for outcomes relating to increased competence in trauma informed practice.<sup>104</sup> They found that:<sup>105</sup>

*The post-test responses showed more patience and attentiveness to the time it would take to build a supportive relationship and were less concerned with keeping conversations narrowly focused on what they perceived as the relevant ‘legal’ issues. Students were more ready to empathize with the stress that clients experience as they navigate bureaucratic legal processes and indicated greater willingness to take the time to explain things or reschedule appointments at the client’s convenience. Finally, many students expressed a desire for more experience with hands-on and interactive training exercises to continue their learning of practical trauma informed methods to client interactions.*

Smyth et al. concluded that “even a truncated, three-hour training on trauma drawing on neurobiology has the potential to counter and disrupt client-blaming attitudes.”<sup>106</sup> This may be because the course took place relatively early in these future lawyers’ careers when they may be more amenable to change (although the authors also note that they felt it was important that participants had some practice experience to reflect upon).

## Continuing professional development

International research and literature is consistent about the need for lawyers for children to receive training including “to ensure they can effectively communicate with young clients and can identify potential communication deficits in children, particularly where these are not

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<sup>100</sup> Ibid at 372-373.

<sup>101</sup> Ibid at 374.

<sup>102</sup> Ibid at 375.

<sup>103</sup> Smyth, J. Johnstone, D. & Rogan. J. (2021). [Trauma-Informed Lawyering In The Student Legal Clinic Setting: Increasing Competence In Trauma Informed Practice](#). *International Journal of Clinical Legal Education*, 28(1), 149-194 at 150.

<sup>104</sup> Ibid at 162.

<sup>105</sup> Ibid at 181.

<sup>106</sup> Ibid at 187.

obvious.”<sup>107</sup> Helm argues that “[t]his training is particularly important given the high degree of reliance placed on lawyers by child clients.”<sup>108</sup>

The international guidelines on child or youth friendly justice systems consistently emphasise the need for lawyers representing children to receive training including the Beijing Rules,<sup>109</sup> Council of Europe Guidelines on child-friendly justice,<sup>110</sup> the United Nations Committee on the Rights of the Child’s General Comment No. 24,<sup>111</sup> UNODC Handbook on Ensuring Quality of Legal Aid Services in Criminal Justice Processes.<sup>112</sup> Limante et al. argue lawyers for children should receive:<sup>113</sup>

*[B]asic interdisciplinary training on the rights and needs of children of different age groups and on proceedings that are adapted to them, and training on psychological and other aspects of the development of children, with special attention to girls and children who are members of minority or indigenous groups, and on available measures for promoting the defence of children who are in conflict with the law*

Limante et al.’s study explored the different ways training is provided to lawyers for children in different European jurisdictions dividing their analysis into “initial training (training that must be successfully completed before becoming a legal aid provider) and continuous training (further continuing training that is required to maintain professional knowledge and skills).”<sup>114</sup>

Training and development opportunities can take a range of different forms including “events, online training resources, mentorship, coaching, peer support learning opportunities, and buddy schemes”.<sup>115</sup> However, it is important to ensure that training methods are effective. For example, Zajac et al. raise concerns that simply providing guidance on the types of questions and that are (and are not) appropriate do not necessarily give lawyers with the skills to use these questions noting:<sup>116</sup>

*The investigative interviewing literature clearly demonstrates that developing questioning skills is a complex task requiring an incremental approach to learning in which interviewers receive clear instruction on questioning methods and how to*

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<sup>107</sup> Helm, R.K. (2021). [Incentivized Legal Admissions in Children Part 1: Cautions](#). University of Exeter, Evidence-Based Justice Lab at 23. Participants in Lightowler’s research in relation to improving legal support for children and young people in conflict with the law also identified the need for training on communication with children and young people: Lightowler, C. (2022). [Improving legal support for children and young people in conflict with the law: A scoping study](#). Clan Childlaw at 39.

<sup>108</sup> Helm, [Incentivized Legal Admissions in Children Part 2: Guilty Pleas](#) at 24.

<sup>109</sup> United Nations General Assembly. (1985). [United Nations Standard Minimum Rules for the Administration of Juvenile Justice \(“The Beijing Rules”\)](#) at 13.

<sup>110</sup> Council of Europe. (2010). [Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice](#) at 17: “[l]awyers representing children should be trained in and knowledgeable on children’s rights and related issues, receive ongoing and indepth training and be capable of communicating with children at their level of understanding.”

<sup>111</sup> United Nations Committee on the Rights of the Child. (2019). [General Comment No.24. on children’s rights in the child justice system](#). The Office of the High Commissioner for Human Rights at 5, 8 & 18

<sup>112</sup> United Nations Office on Drugs & Crime. (2019). [Handbook on Ensuring Quality of Legal Aid Services in Criminal Justice Processes](#). United Nations at 45.

<sup>113</sup> Limante, A., Nikartas, S., Vaiciuniene, R., Gangneux, E., Lens, B., Gega, K., Zacaj, H., & Abdiu, R. (2021). [Legal aid for children in criminal proceedings: Report on current European national frameworks](#). LA CHILD at 44.

<sup>114</sup> Ibid at 44-45.

<sup>115</sup> Lightowler, [Improving legal support for children and young people in conflict with the law: A scoping study](#) at 39-40.

<sup>116</sup> Zajac et al., The “Good Old Days” of Courtroom Questioning: Changes in the Format of Child Cross-Examination Questions Over 60 Years at 192.

*apply them (e.g., how to obtain key evidential information in a nonleading way), as well as comprehensive practice and expert feedback (Powell, 2008).*

In New Zealand NZLS CLE delivered a free one day training on Questioning Children in Court in June 2021.<sup>117</sup> The Lawyer for the Child training also includes sessions in relation to the skills required to communicate with children and how to put them into practice.<sup>118</sup> Strangely, there is no required training for lawyers wishing to act as youth advocates in the criminal courts although the Appointment and Review Procedure does refer to the ability to relate to and communicate with young people and the relevant training undertaken by applicants as factors considered in the appointment process.<sup>119</sup> There is also no specific training offered for youth advocates although there is a biannual Youth Advocates' Conference run by the Auckland District Law Society<sup>120</sup> and occasional seminars run by NZLS CLE.

## Specific areas of the law or groups

### Disabled and neurodiverse

Studies in both New Zealand and Australia have discussed the need for lawyers to be able to identify when their clients may have a disability in order to ensure that their needs are assessed and any necessary accommodations are made. However, in both jurisdictions concerns have also been raised that lawyers receive very little training to do this.

Diesfeld et al's literature review in relation to the legal needs of disabled people identified the need for lawyers to understand the needs of people with intellectual disabilities and the impact of disability on the people they represent which requires them to be properly trained.<sup>121</sup> Lawyer participants in Mirfin Veitch et al.'s research recommended mandatory training for lawyers wishing to work with clients with intellectual disability and in the area of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003.<sup>122</sup>

The Law Council of Australia also concluded that tools and training for lawyers in identifying and responding to people with disability is crucial to ensure that their needs are correctly assessed and reasonable accommodations are made.<sup>123</sup> Submitters to the Justice Project also emphasises the need for resources to help legal assistance services to become more disability responsive and the importance of the role of disability advocates in ensuring that legal services were disability-responsive.<sup>124</sup>

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<sup>117</sup> NZLS CLE Limited. (2021). *Questioning Children in Court*. <https://www.lawyerseducation.co.nz/shop/Archives/2021+Archive/Forums2021/21QCF.html>

<sup>118</sup> NZLS CLE Limited. (2023). *Lawyer for Child* 2023. <https://www.lawyerseducation.co.nz/shop/IntroductoryLevel2023/23LFC.html> NZLS also offer an annual Advanced Lawyer for Child seminar which can include engagement with children. See NZLS CLE Limited. (2022). *Advanced Lawyer for Child* 2022. <https://www.lawyerseducation.co.nz/shop/Books/Advanced+Lawyer+for+Child+2022.html>

<sup>119</sup> Principal Youth Court Judge for New Zealand. (2017). *Appointment and Review Procedure for Youth Advocates* at 3.

<sup>120</sup> Auckland District Law Society. (2022). *Youth Advocates Conference 2022*. [https://adls.org.nz/Product?Action=View&Product\\_id=8273](https://adls.org.nz/Product?Action=View&Product_id=8273)

<sup>121</sup> Diesfeld, K., Patston, P., McLean, M., Miller-Burgering, W., Vickery, R. & Phelan, T. (2006). *Literature Review: Unmet Legal Needs of People with Disabilities in the Auckland Region Report No. 1*. Legal Services Agency at 13.

<sup>122</sup> Mirfin-Veitch, B. Diesfeld, K. Gates, S., & Henaghan, M. (2014). *Developing a more responsive legal system for people with intellectual disability in New Zealand*. Dunedin: Donald Beasley Institute at ix.

<sup>123</sup> Law Council of Australia, *The Justice Project: Final Report Part 2 Legal Services* at 43.

<sup>124</sup> Ibid.

In New Zealand the Public Defence Service and NZLS CLE (with funding from the Ministry of Justice) provided two CPD sessions:

- Public Defence Service: FASD training for lawyers in April 2022;<sup>125</sup>
- Communication Assistance Forum in April 2022;<sup>126</sup>

However, these CPD sessions were focussed on the criminal law and particular forms of disability or neurodiversity. I am also aware of Auckland Disability Law offering training to other legal professionals, in particular, those at other community law centres having personally undertaken their training when I worked at YouthLaw Aotearoa.

In my view, disability training should be available for lawyers practicing in all areas of the law but particularly in those areas of the law that are particularly likely to impact on disabled and neurodiverse children and young people including education law, welfare and benefits, victimisation, Oranga Tamariki, and the criminal justice system.

## Culture

NZLS CLE run workshops providing an introduction to Te Ao Māori and Te Reo Māori for the legal profession which are described as:<sup>127</sup>

*[T]ailored for lawyers and is designed to enhance your ability to connect with Māori as clients, stakeholders, partners, or in another capacity. Experienced facilitators will guide you through an interactive day as you consider who, why and how to successfully engage with Māori in legal settings.*

However, while a positive initiative, these workshops are not compulsory and are only available in the main centres.

Te Kura Kaiwhakawa, the Institute of Judicial Studies provides a range of programmes on key areas including Te reo and Tikanga.<sup>128</sup> The Tikanga programme was designed by Justice Joe Williams and Te Kura Kaiwhakawa in 2014 and is now compulsory for all newly appointed District Court judges.<sup>129</sup> The Te reo programme is offered at multiple levels and attendance at a Te reo course at the appropriate level is also compulsory for all newly appointed District Court judges.<sup>130</sup> While this is a positive development, it is unclear whether sitting Judges are also required to complete the Tikanga and Te reo programmes.

## Rainbow competence

As with other professionals discussed above, there is also a need for gender and sexuality training for lawyers supported by appropriate resources. For example, submitters to the Law Council of Australia's Justice Project raised the need for dedicated resources for lawyers and

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<sup>125</sup> FASD-CAN. (2022). *Public Defence Service: FASD training for lawyers*. <https://www.fasd-can.org.nz/public-defence-service-rolls-out-fasd-training-for-lawyers>

<sup>126</sup> NZLS CLE Limited. (2022). *Communication Assistance Forum*. <https://www.lawyerseducation.co.nz/shop/Archives/2022+Archive/Forums2022/22CAF.html>

<sup>127</sup> NZLS CLE Limited. (2023). *Kua Ao te Ra: Introduction to te ao Maori and te reo Maori for the legal profession* 2023. <https://www.lawyerseducation.co.nz/shop/Workshops2023/23MCD/Kua+Ao+Te+Ra+Introduction+to+te+ao+Maori+and+te+reo+Maori+for+the+legal+profession+-+Wellington-2.html>

<sup>128</sup> Te Kura Kaiwhakawa Institute of Judicial Studies. (2021). *Prospectus* 2021. [https://www.ijs.govt.nz/prospectus/2021\\_Prospectus\\_for\\_Internet.pdf](https://www.ijs.govt.nz/prospectus/2021_Prospectus_for_Internet.pdf) at 4-6.

<sup>129</sup> Taumanu, H. (2020). *Norris Ward McKinnon Annual Lecture 2020*. Ministry of Justice at 13.

<sup>130</sup> Ibid.

supported the development of a nationwide professional development package for lawyers on gender inclusivity and overcoming discrimination.<sup>131</sup>

## Trauma

Much as it is important for law students to receive training about trauma, this is also essential for practicing lawyers. As Cossins explains in the context of sexual assault trials, “it is clear that judges and lawyers need training about trauma symptoms and their impact on a complainant’s ability to give evidence, how to avoid re-traumatisation and how to manage the situation when a complainant is triggered.”<sup>132</sup> Cossins points to the English Inns of Court College of Advocacy training course for criminal law practitioners as an example of good practice.<sup>133</sup> This course, *Advocacy & The Vulnerable*, was designed “to ensure that all advocates, when dealing with children vulnerable witnesses, understand the key principles behind the approach to, and questioning of, vulnerable people in the justice system, irrespective of the nature of the allegation, or the jurisdiction in which the advocate appears”.<sup>134</sup>

However, the need for training about trauma is not limited to those lawyers involved in sexual assault cases. As set out above, the Law Society of Scotland now offers a Trauma-Informed Lawyer Certification with the course description website describing both the breadth of its relevance, and the goals of this type of training both in terms of client engagement and preserving one’s own wellbeing:<sup>135</sup>

*This course is designed for all solicitors working with people, no matter their practice area, whether working in criminal law, family and child law, personal injury, succession and estate planning or conveyancing and beyond, and is suitable for all levels of expertise.*

*In becoming trauma-informed, you will learn to recognise the impact of trauma in those you work for and with, and to be able to practice in a way that does no further harm, supports recovery and is most effective and efficient for people affected by trauma. Just as importantly, you will understand the ways that you can adapt your approach to legal practice and communication skills to take account of the impact of trauma in order to work effectively with colleagues and clients, including minimising the risks of re-traumatisation while also preserving your own wellbeing against vicarious trauma.*

I am not aware of any trauma focussed training for lawyers in Aotearoa New Zealand. However, there has been a series of Government funded professional development sessions that include some trauma related content:

- Questioning Vulnerable People - Part 2 in November 2020;<sup>136</sup>

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<sup>131</sup> Law Council of Australia, [The Justice Project: Final Report Part 2 Legal Services](#) at 43.

<sup>132</sup> Cossins, [Closing the Justice Gap for Adult and Child Sexual Assault: Rethinking the Adversarial Trial](#) at 559-560.

<sup>133</sup> Ibid at 611-612.

<sup>134</sup> Inns of Court College of Advocacy. (n.d.). *Advocacy & The Vulnerable (Crime)*. <https://www.icca.ac.uk/post-qualification-training/cpd/advocacy-training/advocacy-the-vulnerable-crime/#:~:text=The%20A%26V%20course%20was%20designed,in%20which%20the%20advocate%20appears>.

<sup>135</sup> Law Society of Scotland. (2023). *Trauma-Informed Lawyer Certification Course*. <https://www.lawscot.org.uk/news-and-events/events/trauma-informed-lawyer-certification-course/>

<sup>136</sup> NZLS CLE Limited. (2020). *Questioning Vulnerable People - Part 2*. <https://www.lawyerseducation.co.nz/shop/Archives/2020+Archive/Forums+2020/21QVW.html> The objectives of this forum included increasing participants’ understanding of the reasons complainants and

- Family Violence Dynamics Forum in May 2021;<sup>137</sup>
- Family Violence Dynamics Forum Part 2 in November 2021;<sup>138</sup>
- Family Violence Forum in June 2022;<sup>139</sup> and
- Sexual Violence Legislation Forum in November 2022.<sup>140</sup>

However, although each of these fora were valuable learning opportunities, they were specific to sexual and family violence law and attendance was voluntary. None were specifically focussed on trauma.

## Child protection system

In Aotearoa New Zealand lawyers wishing to practice as a Lawyer for the Child must undertake the Lawyer for the Child training course before they will be eligible to be listed.<sup>141</sup> The course covers the role, skills required to communicate with children, child development, and strategies for addressing conflicts between the child's views and the lawyer's assessment of their best interests.<sup>142</sup> Further training courses are also offered as ongoing professional development including advanced lawyer for the child workshops.<sup>143</sup>

However, there is fairly limited guidance for lawyers representing children in child protection proceedings – a practice note from the Chief Family Court Judge which primarily focusses on procedural matters<sup>144</sup> and a single seven page best practice guidance note that relates to both private family law proceedings and proceedings under the Oranga Tamariki Act 1989.<sup>145</sup> I discuss my concerns in relation to the lack of guidance for lawyers representing children in child protection proceedings in comparison to the much more extensive material available in other countries in *Working paper no. 1: Children and young people in care or with care experience*.

## Youth Justice system

In Aotearoa New Zealand there is no formal training course for Youth Advocates. Both the New Zealand Law Society and Auckland District Law Society offer conferences and webinars in relation to youth court practice but these are a selection of key topics rather than being designed as a training programme for those wishing to commence acting as a Youth Advocate. For example, although the intended audience of the 2022 Youth Advocates Conference offered by ADLS was described as “[l]awyers who would like to practise as Youth Advocate”, the

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other witnesses in sexual violence cases may be vulnerable and ensuring their practice accords with the requirements of the Evidence Act.

<sup>137</sup> NZLS CLE Limited. (2021). *Family Violence Dynamics Forum*. <https://www.lawyerseducation.co.nz/shop/Archives/2021+Archive/Forums2021/21FVF.html>

<sup>138</sup> NZLS CLE Limited. (2021). *Family Violence Dynamics Forum Part 2*. <https://www.lawyerseducation.co.nz/shop/Archives/2021+Archive/Forums2021/22FVF2.html>

<sup>139</sup> NZLS CLE Limited. (2022). *Family Violence Forum*. <https://www.lawyerseducation.co.nz/shop/Archives/2022+Archive/Forums2022/22FVF.html>

<sup>140</sup> NZLS CLE Limited. (2022). *Sexual Violence Legislation Forum*. <https://www.lawyerseducation.co.nz/shop/Archives/2022+Archive/Forums2022/23SVLF.html>

<sup>141</sup> NZLS CLE Limited (2022) *Lawyer for the Child 2023*. <https://www.lawyerseducation.co.nz/shop/IntroductoryLevel2023/23LFC.html> [Accessed 11 April 2023]

<sup>142</sup> NZLS CLE Limited. (2022). *Lawyer for the Child 2023*. <https://www.lawyerseducation.co.nz/shop/IntroductoryLevel2023/23LFC.html> Knowledge in relation to the family justice system is largely assumed given that lawyers must have four years' experience in family law before they are eligible for appointment.

<sup>143</sup> For example see NZLS CLE Limited. (2022). *Advanced Lawyer for Child 2022*. <https://www.lawyerseducation.co.nz/shop/Books/Advanced+Lawyer+for+Child+2022.html>

<sup>144</sup> Principal Family Court Judge. (2020). *Family Court Practice Note. Lawyer for the Child: Selection, appointment and other matters*. Principal Family Court Judge's Chambers.

<sup>145</sup> Family Law Section. (2018). *Lawyer for the child best practice guidelines: Acting for children under the Care of Children Act 2004 and the Oranga Tamariki Act 1989*. New Zealand Law Society.

programme was a selection of “pertinent topics” rather than covering all of the key skills and requirements of lawyers acting as Youth Advocates.<sup>146</sup>

The Youth Justice Legal Centre in the United Kingdom offer training courses for Youth Court lawyers including a one day training course for lawyers wishing to practice in the Youth Court developed in partnership with the Law Society and delivered by experienced youth justice lawyers together with young people with experience of the criminal justice system,<sup>147</sup> and a shorter evening course focussed on how to explain the law and legal processes to child or young person.<sup>148</sup> They also offer other short courses on topics relevant to lawyers practicing in the Youth Court such as supporting clients to make complaints about the police.<sup>149</sup>

The training course for lawyers wishing to practice in the Youth Court covers both the legal and practical knowledge and skills including:

- How to communicate and engage effectively with children;
- Key youth justice principles and an overview of the youth justice system;
- Youth-specific criminal law including out of court disposals, bail and remand, jurisdiction issues, adaptations to the trial process;
- The importance of the background and needs of the child;
- Specific protections for looked after children and victims of trafficking;
- How to identify and address effective participation and fitness to plead issues;
- The sentencing framework relating to children; and
- Legal duties owed to children by the courts and other local authorities.

In my view, there would be considerable value in a similarly broad training programme for lawyers wishing to practice in the Youth Court in Aotearoa New Zealand tailored to our context. I would also add some additional topics including:

- Family Group Conferences, Rangatahi Courts, Pasifika Courts, and the Youth Drug Court;
- Child and youth development;
- Neurodiversity / neurodisability including communication disorders, FASD, autism, and ADHD;
- Trauma (e.g. care-experienced CYP) & trauma informed legal practice;
- Vicarious trauma and self-care;
- Cultural competency;
- Gender and sexuality; and
- Children and young people’s rights (CRC, CRPD, UNDRIP, te Tiriti) and their application in practice at different stages of the youth justice process.

It may also be useful to survey existing youth advocates to see what sort of training they think would be useful and/or would have been useful before they started practicing in this area. The

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<sup>146</sup> ADLS. (n.d.). *Youth Advocates Conference 2022*.

[https://adls.org.nz/Product?Action=View&Product\\_id=8273](https://adls.org.nz/Product?Action=View&Product_id=8273) The sessions were in relation to arrests, disclosures, communication assistance, Schedule 1A Oranga Tamariki Act 1989, and crossover and “pushback” between the youth justice and care and protection systems.

<sup>147</sup> See Youth Justice Legal Centre. (2023). *Training for Solicitors*. <https://yjlc.uk/training-and-events/youth-justice-training/training-solicitors>

<sup>148</sup> See Youth Justice Legal Centre. (2023). *Explaining Law & Process to Children: A YJLC Workshop for Lawyers*. <https://www.eventbrite.co.uk/e/explaining-law-process-to-children-a-yjlc-workshop-for-lawyers-tickets-604709180437>

<sup>149</sup> Youth Justice Legal Centre. (2023). *Police complaints - How to support children in making them*. <https://www.eventbrite.co.uk/e/police-complaints-how-to-support-children-in-making-them-tickets-623696792897>



best way of teaching the content should guide the format of each aspect of the training programme. For example, practical skills are best taught through practice out whereas other aspects of the content are more a question of reading and understanding the research and evidence. In my view, it would also be important to ensure that training participants receive mentoring and supervision after the course to support and embed learning. A practical resource or training manual would also be useful.

## Resources

### Vulnerable People

In New Zealand, Benchmark have produced a valuable set of guidelines in relation to best evidence with vulnerable people including:<sup>150</sup>

- Questioning children;
- Responsive practice with adults with an intellectual disability;
- Responsive practice with older persons;
- Communication assistance;
- Pre-trial case management; and
- United Nations Convention on the Rights of Persons with Disabilities.

The Benchmark website states that other guidelines are coming soon but does not specify what they will relate to.

In the United Kingdom, the Advocates' Gateway offer an even more extensive range of guidance documents relating to communicating with vulnerable witnesses and defendants:<sup>151</sup>

- Toolkit 1: Ground Rules Hearings;
- Ground Rules Hearings Checklist;
- Toolkit 1a: Case Management in Criminal Cases;
- Essential Questions Checklist;
- Toolkit 2: General Principles from Research, Policy, and Guidance;
- Toolkit 3: Planning to Question Someone with Autism;
- Toolkit 4: Planning to Question Someone with a Learning Disability;
- Toolkit 5: Planning to Question Someone with 'Hidden Disabilities';
- Toolkit 6: Planning to Question a Child or Young Person;
- Toolkit 7: Additional Factors Concerning Children under Seven;
- Toolkit 8: Effective Participation of Young Defendants;
- Toolkit 9: Planning to Question Someone using a Remote Link;
- Toolkit 10: Identifying Vulnerability in Witnesses;
- Toolkit 11: Planning to Question Someone who is Deaf;
- Toolkit 13: Vulnerable Witnesses in the Family Courts;
- Toolkit 14: Using Communication Aids;
- Toolkit 15: Witnesses and Defendants with Autism;
- Toolkit 16: Intermediaries: Step by Step;
- Toolkit 17: Vulnerable Witnesses in the Civil Courts;
- Toolkit 19: Supporting Participation in Courts and Tribunals; and
- Toolkit 20: Court of Protection.

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<sup>150</sup> Benchmark. (2023). *Guidelines*. <https://www.benchmark.org.nz/guidelines>

<sup>151</sup> The Advocate's Gateway. (n.d.). *Home*. <https://www.theadvocatesgateway.org/>

## Criminal Justice System

In other jurisdictions a range of guides in relation to how to represent children and young people in the criminal justice system have also been developed. For example, in the United Kingdom the Solicitor's Regulation Authority have developed a good practice for youth court solicitors including the key competencies in relation to knowledge and skills, awareness of background and needs, communication and engagement, and awareness of key organisations.<sup>152</sup>

The Youth Justice Legal Centre in the United Kingdom have also developed a series of guides to best practice when representing children in the criminal justice system:<sup>153</sup>

- Turning 18: the impact of turning 18 on young people in the criminal justice system;
- Intermediaries for child defendants: identifying whether a child defendant needs an intermediary and how to apply for one.
- Child Criminal Exploitation: representing children who have been exploited and are charged with offences arising out of that exploitation.
- Criminal Behaviour Orders: representing children who are subject to an application for a Criminal Behaviour Order (CBO).
- Trauma Informed Lawyering: what trauma informed lawyering in the youth justice system is and why it matters.
- Criminal Practice Directions: explains how the Criminal Practice Directions can support when representing children in the criminal courts.
- Effective participation and fitness to plead: the legal framework for fitness to plead including practical advice on the work that needs to be done by the defence at each stage.
- Police Bail and Remand for Children: an overview of the law on the pre- and post-charge detention of children by the police including practical tips on how to reduce the time spent by children in police custody.
- Court Bail and Remand: an overview of the law on bail and remand for children in court including practical tips on what can be done by practitioners to prevent the pre-conviction detention of child clients.
- Reporting restrictions for children in criminal cases: an overview of the law on reporting restrictions for children in criminal courts in England and Wales including practical tips for practitioners to help prevent children being named in the press.
- Children facing sexual allegations: an overview of the law on allegations of sexual offences made against children including practical advice on the work that needs to be done by the defence at each point in the proceedings.
- Sexting: an overview of 'sexting' and will explain how to defend a child who has an allegation of sexting made against them.

The Youth Justice Legal Centre has also worked with the Howard League for Penal Reform to produce a guide to representing Looked After Children at the Police Station.<sup>154</sup>

In my view, it would be useful to have a similar set of resources developed for use in Aotearoa New Zealand.

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<sup>152</sup> Solicitor's Regulation Authority. (n.d.). *Good practice guide for youth court solicitors*. <https://www.sra.org.uk/solicitors/resources/continuing-competence/cpd/youth-court-advocacy/good-practice-guide/>

<sup>153</sup> Youth Justice Legal Centre. (2021). *Legal Guides and Toolkits*. <https://yjlc.uk/resources/legal-guides-and-toolkits?page=0>

<sup>154</sup> Howard League for Penal Reform. (2019). *Representing looked-after children at the police station: a step-by-step guide for lawyers*. Howard League for Penal Reform, Youth Justice Legal Centre & Just for Kids Law.

## Racism and cultural appropriateness

The Victorian Aboriginal Legal Service and the Victorian Equal Opportunity & Human Rights Commission have worked together to develop resources for lawyers including:

- A legal resource to assist lawyers and advocates who represent Aboriginal Victorians in coronial inquests;<sup>155</sup> and
- A guide to assist lawyers and advocates who represent Aboriginal Victorians in making transfer applications to the Koori Court.<sup>156</sup>

The Youth Justice Legal Centre in the United Kingdom have also developed a set of three resources “designed to equip practitioners with knowledge and strategies for identifying and challenging racism facing Black, Brown and Racialised children and young adults in the criminal justice system”:

- #1 Fighting Racial Injustice: Background, childhood, legal representation & trauma;<sup>157</sup>
- #2 Fighting Racial Injustice: Police station, diversion, CCE, effective participation, remand & sentence;<sup>158</sup> and
- #3 Fighting Racial Injustice Rap & drill.<sup>159</sup>

The Howard League for Penal Reform have also produced a guide to anti-racist lawyering,<sup>160</sup> accompanied by a list of third sector and community organisations.<sup>161</sup> The executive summary to the guide explains the rationale for it, and its content:<sup>162</sup>

*This guide is inspired by two harsh realities that must be addressed: racial discrimination as an enduring feature of criminal justice for Black people; and legal training in England and Wales that does not equip lawyers to be antiracist. Without taking the initiative to learn about and challenge the racism inherent in our justice and social systems, criminal law practitioners can become complicit in it... Offering clear step-by-step advice and helpful case studies, the guide is designed to support lawyers to be antiracist at each phase of a client's journey through the system. Lawyers must recognise injustice, listen to clients' stories, build trust and rapport, and work to counter bias and discriminatory evidence and behaviour in court.*

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<sup>155</sup> Victorian Aboriginal Legal Service. (2021). [Resource: Investigating systemic racism. A Tanya Day inquest resource for advocates and lawyers](#). Victorian Equal Opportunity & Human Rights Commission.

<sup>156</sup> Victorian Aboriginal Legal Service. (2021). [Resource: Making transfer applications to the Koori Court](#). Victorian Equal Opportunity & Human Rights Commission. The Koori Court is a sentencing court for and Torres Strait Islanders: Magistrate's Court for Victoria. (n.d.). [Koori Court. https://www.mcv.vic.gov.au/about/koori-court](https://www.mcv.vic.gov.au/about/koori-court)

<sup>157</sup> Youth Justice Legal Centre. (2022). [#1 Fighting Racial Injustice: Background, childhood, legal representation & trauma](#). Youth Justice Legal Centre; The Barrow Cadbury Trust.

<sup>158</sup> Youth Justice Legal Centre. (2022). [#2 Fighting Racial Injustice: Police station, diversion, CCE, effective participation, remand & sentence](#). Youth Justice Legal Centre; The Barrow Cadbury Trust.

<sup>159</sup> Youth Justice Legal Centre. (2022). [#3 Fighting Racial Injustice Rap & drill](#). Youth Justice Legal Centre; The Barrow Cadbury Trust.

<sup>160</sup> Howard League for Penal Reform. (2021). [Making Black lives matter in the criminal justice system: A guide for antiracist lawyers](#).

<sup>161</sup> Howard League for Penal Reform. (2021). [Third-sector and community organisations. https://howardleague.org/third-sector-and-community-organisations/](https://howardleague.org/third-sector-and-community-organisations/)

<sup>162</sup> Howard League for Penal Reform, [Making Black lives matter in the criminal justice system: A guide for antiracist lawyers](#) at 5.

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