

Block 1, Assessment 2, Part 1: Case Study

You work at XYZ Legal as a paralegal/legal advocate. Henry Harris, an Aboriginal and Torres Strait Islander man, attends the drop-in legal clinic where your role is carry out the client intake process.

Henry is seeking assistance from the Legal clinic for the following matters:

1. Henry was arrested and charged with common assault (under the NSW Crimes Act 1900 s61) after the police were called to an incident at a local shopping centre. Henry had been drinking heavily when he came across Eddie Edwards, the new partner of his ex-wife out shopping for what looked like children's toys. Henry rushed over to Eddie and pushed him to the ground, and then stood over him making threats through words and gestures. The offence carries with it a maximum prison sentence of 2 years. Henry is now out on bail on the condition that he report to his local police station every Tuesday and Friday at 9am and abstains from using alcohol and drugs. Henry is due to appear in the local Magistrates' Court in four weeks' time. Henry needs advice on whether to plead guilty or not-guilty to the charge and also needs representation in Court on the day.
2. Henry also tells you that up until that incident he had not had a drink in 6 months because he is trying to regain access to his two children that he lost when his ex-partner was granted sole parental responsibility after the court decided that Henry's history of alcohol abuse made him an unsuitable person to have contact with a child. Henry is worried that this incident will mean that he has lost all chance of ever being granted access to his children and needs advice on parenting orders. (Henry said he given in and had a drink that day because it was his daughter's 10th birthday and he was feeling particularly depressed.)

Other facts you need to know:

1. Henry appears sober at the time of attending the clinic but appears very agitated and stressed and tells you that he sometimes feels that there is no point in living if he can't see his children and he may as well just 'drink myself to an early grave'.
2. One of the staff at XYZ Legal is a first cousin of Henry's ex-wife who is not of Aboriginal and Torres Strait Islander descent.