

Australian Universities and the Law Profession

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On behalf of the Law Institute of Victoria, I'd like to share with you the legal profession's views on 'Tomorrow's Universities'.

As you may be aware the Law Institute is the professional association for Victoria's solicitors, of which there are approximately 11,300 practising lawyers.

The legal profession has considerable interest in the training of graduates prior to their admission to practice law.

The key priorities in considering the education requirements for graduates is to ensure that those practising the law are trained appropriately, have the necessary skills and knowledge to provide a high standard of legal services and therefore to ensure that the users of legal services and the public are protected.

The first university law course began at Melbourne University in 1857. Almost 150 years on and universities and the education they provide has clearly undergone significant change.

Over many years the traditional core subjects such as Contract, Tort, Evidence and Criminal law were complemented by a suite of other subjects including studies in Human Rights, Cyberlaw, Gender and Feminism and the Law, Negotiation and Mediation and most importantly, Ethics.

There has also been a significant increase in the number of Universities offering undergraduate law courses to students in recent years and an increase in the number of students enrolling in these courses.

The University of Melbourne and Monash University have now been joined by Latrobe, Deakin and Victoria University in offering law degrees. Deakin University offers its law course at both its Geelong and Burwood campus and Latrobe University offers law at its Bundoora and Bendigo campuses.

In recent years there have been approximately 1,500 first year enrolments in law degrees at Victorian Universities and in late 2003 and early 2004 approximately 1,000 law students graduated from Victorian universities. My understanding is that those figures were consistent for late 2004, early 2005.

With the number of graduates coming out of law schools the profession has plenty to pick and choose from. In terms of supply and demand therefore the profession is well supplied with emerging lawyers and in fact there are more applicants for places within the profession than places exist.

As a result the competition for articles of clerkships with firms has significantly increased and due to the shortfall in places, which is estimated to be approximately 650 a year, many students are choosing to undertake one of the practical legal training courses, currently offered by the Leo Cussen Institute, Monash University and the Law Institute (in conjunction with the College of Law NSW).

Whether the emerging law graduates are well prepared for a career in the law, have an in-depth understanding of the nature of the work and the challenges and issues that they will face on a day to day basis is a concerning issue.

One of the frustrations for the profession as a whole is the difficulty in retaining young graduate lawyers once they have been hired and trained for a year or two. A law degree is but a starting point for professional life. There are many other skills that the young lawyer will need to learn and

much experience to be gained along the way in developing a legal career.

There is a sense within the profession that young lawyers are perhaps to some degree, ill prepared and lack understanding of what is entailed in legal practice. When I think about this issue from my own perspective with two young daughters at universities in Victoria, one of whom expresses an interest in pursuing a legal career, I think about what has shaped their understanding of a life in the law. Sadly I think the answer is likely to be television and media programs such as 'Law and Order', 'CSI', 'Judge Judy' or 'Cold Case' and others immediately spring to mind.

In recent years it has become increasingly difficult and extremely competitive for young people to embark upon a law degree. At Melbourne University a VCE ENTER score of more than 99% is necessary to secure a HECS place within the law school. There is no doubt that a career in the law attracts the best and brightest of our young students. There can be little doubt that intellectually these young people are without parallel.

At this point however perhaps we need to be looking at what motivates students to choose law, particularly

when there seems to be a genuine lack of understanding about the legal system and the profession. Some students are attracted to the law because of the potential to 'make a difference', or perhaps because of the prestige, the opportunity to make money, the expectations of family and friends or because they have achieved the exceptionally high ENTER score that is required.

While it is difficult for secondary school students to be certain about their future vocation there is an onus on careers' advisors, parents and schools to ensure that they are armed with the necessary information about their chosen career paths and in relation to the law this should include a clear understanding of the various roles within the legal system.

To this extent Melbourne University's proposal to offer law as a post graduate degree may indeed have some merit in terms of becoming a self selecting process whereby applicants for the Law School have more maturity and a better understanding of their personal career goals and more realistic expectations about what a full time life in the law might entail.

Whilst it is true that retention issues are a significant factor amongst Gen X and Gen Y across many occupations,

not just the legal profession, the Law Institute believes that a better selection process, more communication about what life in the law truly entails - may assist law graduates to find their work in law satisfying and fulfilling by providing more realistic expectations than they otherwise might have.

It is difficult to attract the best and brightest, to give them 4-5 years of theoretical legal training and then place them in a work environment which often involves them doing boring, mundane and repetitive work. It is no surprise therefore that many become disillusioned. Life in the law is not at all what they expected and hoped for and it would clearly be of assistance to the profession if some of these issues could be addressed along the way.

How then might we address these issues around expectations and finding fulfilment in a legal career?

To the extent that a post graduate law degree will of necessity entail more mature applicants – this is generally seen as being an advantage. The Law Institute does however have real concerns about ensuring that access to legal education is available to all who seek it and that the prospect of increased fees which may arise from a

post graduate law degree does not shut out the socially disadvantaged and thereby increase inequality.

It is well known that for many years in Australia law students have paid the highest levels of HECS contributions and yet receive the lowest level of Federal funding and the Institute does not support initiatives that would increase levels of student debt and make it more difficult for those who are not in a strong financial position to be discouraged from pursuing a career in law by the high fees.

The Australian Law Students Association, which represents law students nationally, has stated that they would not support a system that could encourage graduates away from low paying community based practices because of their high university debts. This is also a concern for the Law Institute of Victoria.

In preparing students more adequately for a life in the law there are a number of things that universities and law schools in particular might consider. In the medical faculty for example at Monash University it is now customary in addition to looking at VCE enter scores, for students to undergo an interview process to assess their suitability to become Medical Practitioners. Whilst a post graduate

degree may have the effect of attracting a different type of applicant the introduction of an interview process may also be beneficial.

Whilst the theoretical and academic components of a law degree are important, in our view it is desirable for universities to offer as part of any course, compulsory practical legal training. This could be achieved in a number of ways. Association with a Community Legal Centre whereby law students undertake compulsory work or a compulsory semester working as a law clerk within a firm of Solicitors or within Barristers Chambers - at no cost to the firms, Barristers or the Community Legal Centres would certainly be some ways in which practical legal training might be provided.

The practice of law is diverse and can take many forms. Lawyers work in Community Legal Centres, in small and medium sized firms, in rural and city firms, in large national practices for government, within corporations and overseas. It is not a case of one size fits all.

Better access to information about the different options available could only enhance the prospects of graduates of law schools finding better and more meaningful employment earlier on in

their careers. Of course a law degree is often a stepping stone to other occupations outside the law and this also needs to be emphasised.

Members of all sectors of the legal profession would I'm sure welcome the opportunity to have more involvement in presentations to students on legal practice management, the different types of legal work available and generally what life in the law might entail.

Similarly I have little doubt that people who have obtained legal qualifications who are pursuing careers as non-lawyers such as Company Secretaries, Managers, CEOs, Journalists and the like would be happy to share their experiences and talk to students about how the study of law can better prepare them for a non legal career.

Only time will tell whether a generalist degree followed by a post graduate degree in law will increase diversity within the profession. It seems likely however that it will by its very nature change the criteria around who applies for admission to the Law Schools. If by encouraging a more mature applicant who has a better understanding of what a legal career might entail and a more realistic outlook of what is involved in day to

day practice - real tangible benefits may well flow both to the profession and to employers in the sense that graduates may have more realistic expectations and a clearer idea of their own career goals.

It is important that higher levels of student debt however do not preclude those who wish to pursue a legal career from entering the profession and Universities should look carefully at the possibility of placements for students coming from disadvantaged backgrounds.

I hope that my comments will prove useful to the ongoing development of legal education programmes.