# Articles 101

## What they didn't teach me at Law School

Renato Marasco's winning speech at the 1995 Gordon Lewis Speakers' Trophy

sborns Concise Legal Dictionary defines an articled clerk as a clerk under written articles of agreement to serve a practising solicitor in consideration of being initiated into the profession.

It sounds quite mystical doesn't it? Being "initiated" into the profession. I suppose someone unfamiliar with the legal profession would find the admission ceremony at the Supreme Court rather odd. All these (usually) young men and women in their best suits surrounded by these odd looking people in wigs and gowns. Then all the people in suits hold up their Bibles and swear by Almighty God to do so. Whilst all the atheists quite rightly sitting far up the back affirm sincerely to do so.

I was an articled clerk last year, or an artichoke as one of the banking solicitors used to call me. I am no longer at that firm having being told that there was no position for me after articles.

Law School was no preparation at all for articles at McKenzie Brackman. When I was a first year at University I had visions of being a rich wealthy lawyer who charged \$10,000 a day and drove a BMW convertible. It still astounds everyone that I was only paid \$15,000 for a whole year at McKenzie During articles I

I was paid less than a 16 year old bank teller, I was the lowest paid person in the entire firm. If I had gone on unemployment benefits after finishing my articles I would have only copped a pay cut around 5-10%.

Brackman.

There should be a course at university to prepare potential artichokes for their initiation into the legal profession and it should be called Articles 101.

#### Topic 1 The Pecking Order - Know your Place

A banking lawyer at McKenzie Brackman once told me that the articled clerks at one of our major competitors were so arrogant that they were called Articled Partners. One so called articled partner loved speaking his mind at top level meetings that several QCs and top executives were present. His principal was less than impressed however at one such meeting where the articled partner began raising points in favour of the other side.

As an articled clerk you are the lowest of the low. You are at the very bottom rung of the corporate ladder. As an artichoke you are at the bottom of the pile and you should know your place.

It is your job to buy the partner his lunch, pick up his wife's dry cleaning, pick up his prescription from OPSM or do a special errand for him. Stocking the bar is also a very important artichoke function.

One day I was enjoying myself proof reading a 200 page heads of lease agreement when I received an urgent phone call from my principal Mr McKenzie, "Marasco, I want you to meet me up at the Melbourne Club, I've got something urgent for you to

I raced up Collins Street in a state of excitement. What could it possibly be? What kind of urgent transaction could it be? Or did he want me to sit in on a top level meeting with the leaders of Victorian business and politics?

I actually spent my afternoon blowing up balloons for his son's 21st that evening.

Remember the partners are not always the most important people to suck up to. Often the most important person in the firm is the Office Manager. McKenzie Brackman's office manager was big and fat with a big black moustache. He sat in

an office with all glass walls in the middle of the clerks area so he could look out at the conveyancing and banking clerks to make sure they were working. I was very proud to have made up his nickname which everyone started to use: "Fat Slug".

In my first week at McKenzie Brackman I met the Environmental Law Partner, Mr Pollute. He had said I could sit in on a meeting. I went into his office where he was

scribbling furiously. "Hello Sir" I said, "I'm Renato Marasco, I'm articled to Mr McKenzie".

"Oh hello, how are you?" he said, shaking my hand. "The clients are waiting in reception, let's go and meet them and then go into the boardroom".

We strode down the corridor together. The clients, Mr & Mrs Aggrieved stood up to meet us. "Good morning, I'm Mr Pollute" he said. He gestured with his hands towards me. "And this is, ah... ah... Renata Mascara, who's an articled clerk here".

I bit my lip hard to stop laughing. I don't know what came over me but I replied, "Sorry, Mr Pollute, you're getting confused. My name is actually Renato Marasco. My drag name is Renata Mascara, but I only use it after 9.00 pm on Fridays".

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## Topic 2 The long lunch and how to get away with it

During articles I became an expert at getting away with the long lunch. The tip is bring a file with you. When you come back go straight into the gents and leave your suit coat on the back of one of the cubicle doors. Roll up your sleeves take some papers out of the file and walk calmly back into the office. First, stop into the library and grab a volume of the ALRs or VLRs. Then stroll calmly back into the office.

"Where have you been?" I'd often be asked.

"In the library", I'd say.

### Topic 3 Office Politics - gossip & rumours

I loved this topic. If there's one thing I like its a nice rumour or something or someone to gossip about.

Which partner is having an affair with his secretary. Which senior associate was pregnant.

Who was going to be retrenched in the latest round of debtcutting and cut backs.

Which clerk was sacked for misappropriation of funds.

Which secretary had made a sexual harassment complaint about one of the partners.

Who was on the way up and who was on the way out.

Then something awful happened. There was a rumour circulating about me. And the rumour was that I was on the way out.

The final thing they should have taught students at Law School was how to drive a Mercedes. Now, you're probably wondering "Why do you need to drive a Mercedes to work at a law firm?"

On my very first day they said: "Someone needs to drive old Mr Brackman to court". We were only round the corner from the courts but he always had to be driven. He was about 85. So we went down to the basement and they gave me the keys to this long blue Benz. I opened up the front passenger seat for Mr Brackman, and he got in the back. Off we drove down William Street - very nervous shaking. It began to rain. I started looking for the buttons. "What are you doing, boy?" said Mr Brackman. "Can't you see it's bloody raining? Turn on the windscreen wipers". I was looking again.

#### Renato Marasco

The author has based this article on what he has heard about others' experiences. The firm of McKenzie Brackman is fictional and is not intended to represent any firm or legal practice. The author counts himself most fortunate that his year of articles was spent under the supervision of lan Purbrick (in the Commonwealth Bank's Legal Department) and is very grateful to Mr Purbrick for all of his assistance.

#### **Education**



Are you aware that the County Court Rules have been overhauled as of 1 January 1996? Make sure you have obtained and read a copy of the new Order 34A (which replaces the former Miscellaneous Causes Rules Order 14A)

The Court has been broken into four lists:

1. Damages List

This list is made up of 2 divisions being general and defamation.

2. Business List

The constitutes 3 divisions: the Commercial List, Building Cases, and Miscellaneous Lists

- 3. Workcover List
- 4. Long Causes List

Other changes include:

- Parties no longer have automatic rights to discovery or to serve interrogatories (Rule 34A 17).
- To facilitate Applications for Discovery, a Directions Hearings will be listed 35 days after the date of filing of an Appearance (Rule 34A 24).

At these Direction Hearings, Judges are likely to refer matters to Mediation, Arbitration or a Special Referee.

As it will be compulsory to attend these Direction Hearings it could result in a bonanza for junior barristers, and young solicitors should be encouraged to appear at these Direction Hearings and exercise their advocacy skills.

BEWARE! You can not rely on what you learnt in Civil Procedure if you practice in the County Court jurisdiction.