

Articled Clerks – What are you worth?

A young lawyer, who prefers not to be named – for obvious reasons – has put together some cogent arguments on the issue of salary levels for articled clerks and junior lawyers. Please read on...

For the many law students who look forward to finishing their study and getting a 'real' job with attendant 'real' pay, the reality of many articled clerks' and junior solicitors' wages comes as a rude shock. In fact, people can find themselves in the anomalous position of earning less working full-time as graduates, than they did at their student jobs.

Many articled clerks and junior solicitors earn less than café waiters and comparisons with immediate post-graduate salaries of other professions highlight the disparity further. As of last year, graduate dentists earned approximately \$36,100 in their first year of work, the starting salary for teachers was \$32,000, for architects \$28,000, and graduate scientists and engineers could expect to start on an annual award wage of about \$30,000.

The current annual award for articled clerks is approximately \$20,056 and for those admitted as barristers and solicitors, it is around \$25,115. Of course, many graduates go straight into above award paying jobs, but a large number of graduates go to smaller firms in the city or suburbs where pay is strictly in accordance with the award.

A variety of reasons are used to rationalise the relatively poor pay for law graduates entering their profession. One of the oldest, and most pervasive, relates to an ethos of having to earn the right, over and above study, to take a place amongst the legal community. Senior practitioners recount with pride the paltry amounts they were paid whilst completing their articles, as if it is not only an immutable rite of passage but also a badge of honour. Apart from providing an opportunity to sentimentalise one's 'humble' beginnings, the correlation between having lived near the poverty line and becoming a good lawyer is not one which is immediately clear.

It is also argued that articled clerks and junior lawyers are a drain on the time and resources of their firm and are, in fact, a liability rather than an asset. However, as competition for obtaining articles has become so tough, those who do gain positions often have high levels of computer proficiency and administrative skills which go some way to compensate for the burden they may otherwise impose. Besides which, on-the-job learning

and training is a fact of life in all industries and is the only way for people to become competent at what they do. Furthermore, the training of graduates and young lawyers is the only way the legal profession can regenerate. Finally, as the number of law graduates continues to increase, employers can simply point to the laws of supply and demand to justify the low pay rates paid to entry-level employees.

There have, however, been some recent developments in this arena. For the last four years the Australian Services Union (ASU) has been locked in battle with 2,500 of the biggest law firms from Victoria, Tasmania and WA to lift the wages of articled clerks, junior solicitors and other legal staff. In February this year, the full bench of the Australian Industrial Relations Commission found that the law firms and the ASU were in dispute, thereby paving the way for the union to develop a federal award for law firm employees in these three states.

The union's proposed federal award would set the articled clerk's award at \$26,358 and the annual set salary of qualified solicitors would be replaced with a three-tiered salary scale, starting at \$31,678 for a first-year solicitor, and rising to \$36,998 for a third-year.

One national law firm recently struck an Agreement for Solicitors & Articled Clerks which came into force on 20 September 1999. This agreement covers salaries and leave as well as other matters such as termination, intellectual property and staff development. The current National Scale, excluding Sydney, is as follows: articled clerks on \$27,250; 1st Year solicitors \$34,500; 2nd Year \$41,500; and 3rd Year \$46,000. There is also a clause on working hours which stipulates a minimum of 76 hours is to be worked fortnightly, but acknowledges that in maintaining client service levels this may well be exceeded, in which case the employees may be entitled to one day of service leave per quarter.

The award paid to law graduates is nearly a third less than that paid to those entering other professions. It is hoped that in the not too distant future, articled clerks and junior solicitors will have a minimum wage in line with that of other professional graduates, as well as being more commensurate with their education and the long hours of hard work demanded of them.