

# The Articles Experience



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Whether it is articles or a practical legal training course – we must all go through a year of pre-admission training before we begin our careers as lawyers. But what is that year really all about? For some it is a well-paid and exciting year of learning, for others a year of poverty, little guidance and self-doubt. We interviewed eight articulated clerks and recent admittees to discover what articles meant to them:

- A is a female third year solicitor who completed the Leo Cussen course after completing a Law/Legal Studies degree at La Trobe University.
- B is a female articulated clerk at a medium commercial firm who completed a Law degree at La Trobe University as a graduate-entry student.
- C is a male articulated clerk at a large commercial law firm who completed an Engineering/Law degree at the University of Melbourne and travelled for several months prior to commencing articles.
- D is a female articulated clerk with a suburban sole practitioner who completed a Law degree at Deakin University.
- E is a female articulated clerk at a large commercial firm who completed a Business/Law degree at Monash University and worked as a paralegal during University at the firm where she is now undertaking articles.
- F is a male articulated clerk at a medium sized plaintiff firm who completed a Commerce/Law degree at the University of Melbourne and worked in three law firms across three years prior to commencing articles.
- G is a female articulated clerk at a large commercial firm who completed a Science/Law degree at the University of Melbourne.
- H is a male paralegal working in London who completed articles at a country law firm after completing a Law degree at La Trobe University.

We have included an abridged version of the interview below:

## Which best describes your articles experience: sink or swim, ready to be a top lawyer, or glorified research assistant?

- A: *I did Leo Cussens and you just ...learn as you go along...*
- C: *Ready to be a top lawyer (though I'm only halfway through my articles so this is a bit of an ambitious statement at this stage).*
- D: *Sink or swim, thrown right into it. [I] didn't have to do that much research, as the sort of work I was doing meant that it wasn't that frequent (thank god).*
- E: *Sometimes it's sink or swim, but if you stuff it up it doesn't matter, they expect you to stuff it up.*

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- F: *Sink or swim. I've done 2 rotations and that is a very apt description for the second one. There was no formal learning, it was just 'there it is, come and talk to me once you've done something on it or need a hand.' Pretty hands off and a lot of responsibility.*
- G: *It depends on the partners you work for. Some partners are willing to give you a lot of responsibility so that you're thinking, 'are you sure you want to give me this?'*

## What do you think articulated clerks should achieve during their articles year?

- A: *Practical experience. You're doing all theoretical things at Uni and being a lawyer is all about the practical experience and that's what you get from your articles...*
- B: *You've just got to get an idea about what it's going to be like to be a lawyer. You need to have that realistic feel for it.*

- C: *Good general practice skills such as time... management, client management, record keeping, drafting and letter writing; that is, the skills that university studies do not develop...*
- D: *To gain as much experience and exposure as possible to different areas of law.*
- E: *In addition to legal skills you definitely learn organisational skills, paperwork, filing...*
- F: *...If you've done 2 or less [rotations] you should have a degree of expertise...*
- G: *You [establish] what sort of work you like doing and...whether you want to stay in the law...it's...an experimental year so it gives you time to work those things out.*
- H: *To be exposed to as much law as possible...otherwise you run the risk of becoming a very good lawyer in a tiny field.*

## Do you think there needs to be some sort of consistency in the articles system and the training provided by way of guidelines for principals or some other method?

- B: *Guidelines would be a great idea just so that you know as an AC that you're getting the exposure that you need to practice...it depends on what the firms do and how much training you get... There's no required training, it's up to your principal to sign an affidavit and say you have the required skills, which can be difficult if they've never met you!*
- C: *Guidelines may be useful, particularly for firms that do not have a well-developed articles program. However, there is a risk that guidelines may become overly prescriptive...a principal's role may vary significantly with the type of firm.*
- E: *You can't make it mandatory, it doesn't work like that... I think we're old enough to make relationships with any of the partners and having done that we can get guidance from them...we've actually found our own principal figures and I don't think we need guidelines to enforce that. I wouldn't think anyone in our group was not confident enough to do that, but I could be wrong.*



F: *The system works for me but I can imagine some people have some shocking experiences. There isn't much consistency and I think there are people who get zero support and far too much responsibility and also there are people who get quite the opposite...*

G: *At a large firm it probably doesn't matter so much because your training is independent of who your principal is and you might not need that one-on-one mentor system that you'd get in other firms. Having said that I had no contact with my principal, if I see him in the lift he won't even say hi and I just think that it is a bit belittling sometimes...*

**Should all law graduates be entitled to an articles position or at least some form of pre-admission training?**

A: *I think a lot of people miss out who shouldn't and that there's a lot of undue pressure placed on graduates ... [but] it's fair, especially now that the Monash [practical legal training] course has opened up...*

E: *You need to go like the Medical Faculty and carefully monitor how many people are coming in and start your interviewing on the basis of traits other than academic qualifications, as this is very fair and doesn't give people false illusions. But with the amount of law graduates coming out there is just not enough positions for them and whether we formally qualify them through Leo Cussens or some free for all system...I don't think it's going to change the situation...Allowing everyone to be qualified to practice isn't going to change the number of positions there are for solicitors in Australia.*

F: *I think the system we have is pretty good. Good practical experience is better than good courses, although some people have had pretty [awful] experiences and would be better off doing a course.*

G: *The NSW system is more equitable than the Melbourne system because in Melbourne... you hear horrible stories of people missing out on articles, a lot of good people, ...because*

*they just don't have the background of others. At least NSW does give everyone the opportunity to be equal after Uni, but then at some point I suppose the same competition will arise, but at least you get admitted.*

**What was the best part of your articles year?**

A: *Finishing them! No, one of the best parts was building up the networks.*

B: *The networking and meeting some really great people who are in the same situation as you are. Also ...I really enjoyed getting in there and applying the things I learnt at Uni.*

C: *The new experience (that is, working rather than studying) with plenty of interesting work and some great people.*

***I haven't actually enjoyed it that much to be honest.***

D: *Being thrown in the deep end when my principal was in hospital for a week and having to run the whole practice by myself. It was the most stressful week of my life but it proved to me that I actually did know a bit about the law!*

E: *Having a whole AC group, you're pretty privileged at a large firm because we had 40 of us start together and it's a huge support network.*

F: *I haven't actually enjoyed it that much to be honest, I guess I enjoyed the camaraderie of the group.*

G: *The people I met, not the work, I would never say the work.*

H: *Having a great principal, who allowed me to do as much as I could handle (and more) and provide hours of day in day out face-to-face work.*

**What was the worst part of your articles year?**

B: *I think it was not knowing what's expected of you. You do some work and you still have the mentality in your head that you're going to get graded for it like at Uni. You wonder how*

*much they expect you to know and you're always stressing about it...*

C: *Adjusting to the constant time pressure at a large corporate law firm...*

D: *Getting a bit bored at some times when the work wasn't that exciting.*

F: *The realisation, even though I had a lot of experience...that I don't think the job is that great...*

G: *The constant lack of appreciation of the work you do. If you do stay till 2 in the morning, I just don't understand how people can become so hard-nosed.*

E: *I didn't feel like that at all, I think every night I stayed there until extreme hours was really appreciated...*

G: *Some people like to gloat about the hours they work and there is that underlying competition...*

**Are articled clerks adequately paid?**

B: *Absolutely for myself, but it depends what firm you're at. One of my friends is at a firm and she does much more work than me and is on half what I'm earning.*

G: *I just sort of assumed that \$40,000 plus is OK and I never really thought about anyone else.*

H: *Adequate yes, appropriately paid – probably not. I think that articled clerks should be paid more than junior secretaries...*

**Conclusions**

The limited sample group used obviously means that we can't draw broad conclusions about the articles year. However, a number of interesting observations, common to the group we interviewed, can be made:

- There was some acknowledgement that many articles positions are gained because of existing networks and that very good candidates miss out, however there was no perception that the current system for obtaining articles should be changed.
- There was a general perception that guidelines are a good idea in theory because it is recognised that there is little consistency and



no guarantee of a particular level of training. However, in practice, guidelines may be unworkable.

- There was a strong emphasis on the networks developed being the best part of the articles year.
- There was no clear consensus on what articulated clerks are meant to achieve from their year or what was expected of them.

What also emerged was that even amongst the same types of firms, the experience of the individual varied greatly because the system does not proscribe the factors that influence the year the most – such as the personality of the principal, the exposure to interesting work and the level of appreciation and guidance received.

Interestingly, most interviewees seemed resigned to the fact that, overall, articles is not an enjoyable experience and seemed to expect that this would be the nature of the year. It also seemed to be a year of trade-offs – the hands-on work for the lack of formal training, the 'sink or swim' feeling for more client contact. Furthermore, the supposed "ultimate" articles experience, in terms of training, pay and blue-chip clients, did not necessarily equate with high levels of job satisfaction or quality work received.

The articles experience is always going to be a diverse one - catering for the different interests of the individual involved, the various types of firms and the range of legal practice areas.

But is it also an arbitrary experience? While there is a broad legislative framework addressing the requirements of articulated clerkships, many facets of the year are open to interpretation by the individual principals, some of which appear to conflict with the role of articles as a pre-admission training year and the role of principal as mentor.

The articles experience therefore remains an ad hoc one, with the level of formal and informal training, the clarity of goals, the level of guidance and support received, and the range of skills the new lawyer has on being admitted, being largely a matter of pot luck. ■

# Thinking of Making the Move to London?



**By Marcus Wignell, Temp Paralegal, Clifford Chance London**

**Q**ualified Australian solicitors are currently eligible, under the England and Wales admission requirements, to be admitted to practice once they have completed the Qualified Lawyers Transfer Test (QLTT) and met certain other requirements. These include having at least two years experience (although application can be made to waive or shorten this requirement), having practiced within a certain period prior to application and having paid the required fee (approximately £500).

Further information can be obtained from the Law Society of England and Wales via email [Info.Services@LawSociety.org.uk](mailto:Info.Services@LawSociety.org.uk) or on their website [www.lawsociety.org.uk](http://www.lawsociety.org.uk).

The QLTT is a four part exam series and it is typical for Australian qualified lawyers to be exempt from three of the four examinations, the remaining examination being 'Professional Conduct and Accounts'.

The two providers of the QLTT are the College of Law ([www.college-of-law.co.uk](http://www.college-of-law.co.uk)) and BPP Law School ([www.bpp.com](http://www.bpp.com)).

The QLTT can be taken at limited times during the year in Australia, although the cost is a little

higher. Prior to applying to sit the QLTT it is necessary to have a certificate from the Law Society of England and Wales evidencing current qualifications. The whole process can take a considerable amount of time although some firms may not require local admission prior to commencement.

## Tips for making the move:

- Check job market conditions - currently they are relatively flat, although for keen lawyers there is always some work. It is worth checking advertisements in the papers ([www.thetimes.co.uk](http://www.thetimes.co.uk) or [www.legalweek.net](http://www.legalweek.net)).
- Find a decent recruitment agency. Several agencies in Australia also have offices in London and indeed globally.
- Applying directly to firms can have some advantages to the applicant and the firm concerned. A good reference is [www.legal500.com](http://www.legal500.com).
- Use of London based recruitment agencies broadens the number of opportunities. There is a raft of agencies with varying degrees of work that can all be considered.
- Obtain a valid visa that allows you to work and practice. If you have employment

arranged before departure, then sponsorship is something that the firm may assist with. Once sponsorship is held for the required period, application can be made for permanent residency, after which application for citizenship is possible.

- Finding a place to live can be difficult. There are numerous message boards where short or long term rentals can be found, such as [www.thegumtree.com](http://www.thegumtree.com) or [www.tntmag.co.uk](http://www.tntmag.co.uk).
- Making contact with Australian or other practitioners already working in the UK is an obvious advantage and most will be happy to help from the goodness of their hearts and also because firms generally pay a finder's fee to employees who introduce new lawyers and support staff.

## New LIV Member Service – UK Practice Information

Thinking about admission in the UK? Then make the most of the Law Institute's new free information service by talking to a solicitor who has practised in the UK for 5 years.

For more information, call Sarah Gaden on 9607 9383. ■