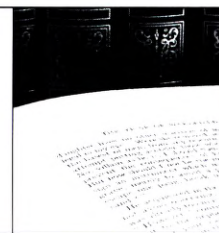


Articles Go National



By Lucy Davis, Corrs Chambers Westgarth¹

In response to demands from an increasingly competitive legal market, certain initiatives have been undertaken to integrate the legal profession in Australia into a national profession. These initiatives have included the introduction of Commonwealth, State and Territory legislation for mutual recognition of legal practising certificates. As part of this process, one of the primary areas to be reviewed has been the requirements for admission to legal practice. The Standing Committee of Attorneys-General ("SCAG") is expected to issue a report shortly which will discuss the integration of the legal profession. In respect of admission requirements, it is expected that this report will adopt the "National Competencies" proposed by the Australasian Professional Legal Education Council and the Law Admissions Consultative Committee in November 2000.

Current Admission Requirements

In all jurisdictions in Australia, in order to be admitted it is necessary to complete an academic component and a practical legal training component. The current practical legal training requirements for each jurisdiction are:

Victoria

1 year articles or approved 6 month course (currently courses run by Leo Cussen Institute and Monash University)

New South Wales

A course recognised in any Australian jurisdiction as satisfying requirements for practice (including courses run by the College of Law; University of Technology, Sydney; University of Wollongong; and University of Newcastle. The practical component can also be taken as part of certain undergraduate degrees)

Queensland

2 year articles or service as a judge's associate (or a combination) or approved practical legal training program (including courses run by Queensland University of Technology; University of Queensland; and Griffith University)

Western Australia

1 year articles and attendance at the Articles Training Program

Australia Capital Territory

An approved course of professional training in law in the ACT or another jurisdiction (currently in the ACT, the Legal Workshop at Australian National University)

Northern Territory

1 year articles

South Australia

An approved course (the Graduate Diploma in Legal Practice conducted by the Law Society of South Australia), however, it is only necessary to complete this if a practical component has not been taken as part of the undergraduate course

Tasmania

An approved practical legal course which runs for 6 months (including the Graduate Certificate in Legal Practice at the University of Tasmania)

Proposed Practical Legal Training 'Competencies'

The National Competencies have already been adopted by admitting authorities in NSW and Tasmania. In all other States and Territories the National Competencies are currently under consideration, however, it is expected that if the SCAG report endorses the National Competencies, admitting authorities in all other jurisdictions will also adopt the Competencies. The National Competencies can be applied to practical legal training whether conducted as an articles program or as a practical legal training course and cover a wide range of legal practice areas. However, the National Competencies still envisage assessment by the individual admitting authorities and, even though they impose a national standard, how they are enforced and regulated may vary from jurisdiction to jurisdiction. The effectiveness of the National Competencies in imposing a national standard will therefore depend upon their implementation and enforcement in each jurisdiction.

The areas covered by the National Competencies are:²

Skills

- Lawyer's skills
- Problem solving
- Work management and business skills
- Trust and office accounting

Practice areas

- Civil Litigation
- Commercial and Corporate
- Property law

One of:

- Administrative law
- Criminal law
- Family law

And one of:

- Consumer law
- Employment and Industrial Relations
- Planning and Environmental law
- Wills and Estates

Values

- Ethics and Professional Responsibility

Consequences for Victoria

In Victoria, if adopted, the National Competencies are likely to impact on the way articles programs are conducted and may involve some firms requiring articulated clerks to attend additional training programs. The National Competencies will ensure that all persons admitted to practice have been exposed to a broad range of legal work. Elizabeth Loftus, the Executive Director of the Leo Cussen Institute, believes that the National Competencies will be readily implemented within larger firms with established training programs. "Smaller firms will have to reconsider their approach to articles positions" she said. "Those firms will have to consider access to short formal training programs for their articulated clerks and, possibly, secondment of articulated clerks between firms within a region. This will enhance the training experience for the articulated clerk and, in the longer term, benefit both the profession and the public". ■

¹ Elizabeth Loftus, Leo Cussen Institute, and Catriona Robertson, Corrs Chambers Westgarth, provided valuable assistance in the preparation of this article.

² Law Admissions Consultative Committee, *Competency Standards for Entry Level Lawyers*, (2000).