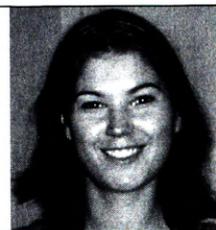


CLE Comes of Age



By Catherine Symons, Madgwicks Lawyers

Ancora imparo - the Latin expression adopted by Monash University as its motto, means simply, "I'm still learning". This thought resonates strongly in the minds of young lawyers as they make the transition from law student to articled clerk and finally to qualified solicitor.

Movement through each stage involves a steep learning curve and if plans to make CLE (Continuing Legal Education) compulsory in Victoria come to fruition (the proposed implementation date at this stage is likely to be April 2004), the learning curve is set to just keep rising.

In my view, the move toward compulsory CLE is critical to the sustainability of the legal profession, both in terms of reinforcing its credibility and as a means of exciting in its members a passion for learning.

In anticipation of the proposed changes to CLE, the Law Institute of Victoria ("LIV") is focused on reinvigorating its professional development program through a series of initiatives designed to emphasise the practical, rather than the purely academic, in legal education.

Murray Paterson joined the LIV, in April 2002, in the role of Professional Development Director. His challenge is to create and implement CLE programs that will take the legal profession into a new era of learning – one which encourages active participation and debate rather than the more passive style of learning often typified in the range of after hours seminars run by CLE providers. Paterson has planned for a phase-in period of 2-3 years.

The CLE revolution has, in fact, already begun, with the scheduling of a series of practice briefings that commenced in February this year and which focus on discrete areas of law, for example, the transmission of business provisions under the *Workplace Relations Act (Cth)*. Speakers at these sessions share with

the audience real examples of the application of the law, either gleaned from first hand experience or through a critique of recent case law. Attendees should already have an understanding of the legal principles involved and will gain a better appreciation of the practical and procedural issues that confront practitioners.

Developments such as this will afford young lawyers an exciting opportunity to identify potential areas of specialty at an early stage and take a more proactive role in their professional development.

Young lawyers should also benefit from another feature of the revamped CLE agenda: the introduction of a series of specialist forums. These will involve the presentation of a case study, followed by a workshop session where participants will be asked to consider and debate the application and development of the law and identify risks and problems in the area under discussion. Young lawyers gain access to legal training pitched at a higher level and with the chance to interact with and learn from more experienced practitioners.

With the impending advent of compulsory CLE, there is an incentive for legal practices to embrace the concept of knowledge-sharing. If lawyers are required to attend a minimum number of CLE programs or accumulate a prescribed number of points to satisfy CLE criteria in each year, this represents an enormous investment in education. In order to capitalise on the experience, law firms should encourage attendees to share their experiences with other members of the firm. This would help to stimulate a professional culture, where continued learning and information exchange is actively promoted and a greater sense of community amongst practitioners is fostered.

Young lawyers practising in regional Victoria are hopeful that the sense of community will transcend well beyond the boundaries of the Melbourne CBD.

Chris Casey, Co-Chair of the Regional Young

Lawyers' Committee, feels that the current system is in desperate need of an overhaul to make it accessible to regional (and suburban) practitioners. If compulsory CLE becomes a reality, improvement in this area will be imperative.

Casey works in a general practice in Castlemaine, practising in a breadth of areas (such as criminal and family law), typical of many regional firms. Casey has attended CLE sessions in Melbourne but has serious reservations about travelling 4 hours (round trip) to attend what is often only a one hour seminar.

More recently Casey has experimented with telephone link ups for access to seminars. However, he has been frustrated by the lack of quality in transmission. Video-conferencing, trialed in 2002, is one alternative that if set up properly, may provide a viable short-term solution.

Casey believes that the LIV (and other CLE providers) should distinguish, where necessary, between the realities of practice in the CBD and of practice in regional Victoria, to ensure that the content of CLE programs is relevant to its whole audience. Casey cited, as an example of a well-tailored program, an LIV seminar that was held in Mildura this year and which covered (amongst other things) legal issues pertaining to wine contracts. In an area where grape growing is a major industry, this topic was right on the money.

It is hoped that CLE can continue to evolve to the point where it is engaging, instructive and contemporary and is accessible to all Victorian lawyers, no matter where they practice. ■

Editors' Note: Just prior to publication, Attorney-General Rob Hulls announced that should the legal profession not introduce its own scheme of mandatory CLE, one will be introduced by the Victorian Government, requiring lawyers to complete a minimum of 10 hours a year to retain their practising certificate. The Law Institute will be undertaking a consultation process on the matter.