

Flexible Work Practices and Articles of Clerkship

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Recently, the Young Lawyers' Professional Development Committee, in conjunction with the Victorian Women Lawyers ("VWL"), began investigating the issue of the completion of articles of clerkship on a part-time basis - a rare but permissible phenomenon that seeks to introduce the concept of flexible work practices into the articles year.

In summary, our investigations have determined that:

1. Although the option to complete articles of clerkship on a part-time basis is not specifically addressed in the *Legal Practice (Admission) Rules 1999* ("the Rules"), part-time articles of clerkship are possible pursuant to r 4.17, which provides the Board of Examiners with a discretion to alter the rules to permit articles on a part-time basis. The Board has advised that this discretion will generally be exercised where there are unusual circumstances, such as hardship.
2. Due to the requirement in the Rules for twelve months continuous service with an experienced legal practitioner, the Board

has further advised that an articulated clerk making an application to the Board for part-time articles needs to be supported by their principal and firm, and before approving any such arrangement, the Board needs to be satisfied that proper training will be given and that bona fide articles will be served.

3. The Board will usually impose conditions on an articulated clerk where the completion of part-time articles is allowed, for instance, a requirement to maintain a diary of work activities.
4. When applying for a certificate of admission to practice, the Board may seek further information to satisfy itself that bona fide articles have in fact been served.

The committee and the VWL conducted a random survey of firms/organisations, and articulated clerks who are currently or have previously undertaken part-time articles. A complete summary of the results of the surveys can be found at: <http://www.liv.asn.au/sections/younglawyers/about-Law-2.html>.

The results show that reasons for wanting to complete articles part-time include child-care and family responsibilities. Of those firms/organisations that responded, many were not aware that articles could be completed part-time. Overall it appeared that completion of part-time articles is rare, with child-care, own-business and ill health being reasons for approval.

Of the firms that had approved part-time articles, the majority noted that the training was essentially equivalent to completing articles full-time, however, a disadvantage was that it was sometimes hard to provide a part-time articulated clerk with continuous involvement on files and cases.

What is clear is that prospective articulated clerks, as well as employers, need to be made more aware that flexible work practices are not only achievable during articles, but are also permissible under the Rules. The current processes and mechanisms aimed at achieving flexible work practices during articles need further consideration by the legal profession, the Board and the Council of Legal Education.

Making the Move In-House

Victoria Strong works as an operations lawyer responsible for the fertilizer business units at WMC Resources. Jane Levin asked Victoria what it was like making the move in-house.

What made you decide to make the move in-house?

I wanted to make a greater contribution to a business than I could by providing discrete legal advice. Having been on several secondments in the past, I understood what I could offer working for a business.

What do you believe are the main differences between in-house and private practice?

One of the main differences is that you understand almost immediately whether or not your advice is being taken. You also receive frequent cold calls asking for instant advice. You become much more than a lawyer and more of an integral part of the decision-making process.

What do you love most about in-house work?

The variety of the work, from different types of

contracts and treasury documentation to feral pigs and shipping disputes! I also enjoy the sense of responsibility for the business...I am really involved in the day-to-day operations and can see the impact of my recommendations and decisions.

What do you find the least enjoyable?

After spending most of last week in Townsville, I would say travel.

Do you have any tips for someone wanting to move in-house?

Try and get a couple of secondments under your belt and think about your options early. I found that looking to move at my level (and not already being in-house), I was almost too senior. I had six years of experience post articles when I made the move. Without good in-house experience to get me over the line, it would have been difficult to make the transition, but luckily I had had several secondments that stood me in good stead.

How did you go about moving in-house?

I had some jobs suggested via contacts, either at work or through friends. I also spent time

building relationships with various recruiters - you soon work out who you like and can trust. I heard about my job almost four months before I had an initial interview. I ended up starting eight months after I initially heard about it.

What are the hours and pay like?

Like any job, it depends on what you have on at the time. At the moment I am working on a project and working 7.15am until 6.30pm. Generally, the pay is slightly higher, but not noticeably.

Are there many in-house positions available or is it quite a competitive market?

I think that it is quite competitive. From my experience, lots of people want to escape the firms and therefore a huge number apply for every job without considering whether or not they really want THAT role.

Is there a career path back into firms after being in-house or is it a life-long decision?

I have heard of people who move in the other direction. At this stage I can't envisage going back.