

# LIVE AND

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ARTICLED CLERK

THE BEGINNING OF A LEGAL CAREER IS BOTH EXCITING AND FASCINATING, BUT IT IS ALSO TRUE THAT MUCH OF OUR TRAINING CAN BE DEFINED BY THE MISTAKES WE MAKE AND HOW WE MANAGE THE CONSEQUENCES OF OUR ERRORS.

**In his speech at the Leo Cussen Memorial Lecture on 25 October 1999, High Court Justice Michael Kirby<sup>1</sup> traced the seven ages of his professional life.**

He began with a description of his time spent as an articled clerk, likening it to the infantile stage of his distinguished legal career. His Honour spoke of the experience he gained and, in particular, the principal lesson he acquired during his clerkship; developing a fascination with the law and its endless excitement.

A friend and fellow articled clerk recently remarked that, in light of the relatively formal traineeships that commenced in July this year, us “old-fashioned articled clerks” were now considered to be a dying breed. The largely unstructured nature of the old articles system has led to a broad range of experience, from the unfortunate many who have spent the year trolling through boxes on boxes of documents under the guise of “discovery” to the lucky few who have appeared in the Supreme Court.

Our entry into the legal profession often results in a year of extreme trials and emphatic tribulations and while Justice Kirby in his address highlighted the more serious lessons that most of us will take away from the experience, there is another neglected dimension to our time spent as Gen-Y articled clerks among the Melbourne legal fraternity.

What makes up this “other” dimension of being an articled clerk?

Most articled clerks at some point throughout the year experience a difficulty in comprehending that people are being billed for their time. We think to ourselves, “When did this happen? When did others start attributing a financial worth to

my brain power? Do these people realise what my mark was for corporations law?”.

We succumb to the temptation to point out all the errors in Law and Order until even our patient and encouraging parents ask us to give it a rest.

We come to accept the fact that, much like death and taxes, exorbitant CBD dry cleaning fees cannot be escaped. A large number of us experience heartbreak for a client who, to us, seems so deserving but has been failed by the legal system.

We learn to curtly shake hands when crossing paths with other articled clerks, who only last year we saw looking worse for wear (to put it lightly) at the annual uni Law Ball. They now wear suits and thick-rimmed glasses. Some use Mont Blanc pens.

Many of us are forced to learn to navigate the minefield that is public transport during peak hour and we embark on and succeeded in the quest to find the elusive great-latté place.

We learn to cling to the phrase “I’ll need to obtain instructions” like it’s our lifeline. Who knew that “I have no idea what you just asked me” could sound so professional? A large number of my peers have secretly pinched themselves when instructing in the Supreme Court and, of course, we all get excited over the new business cards which bear our name. Inevitably, these will only be handed out to friends (other articled clerks) and family members.

Between gaining enough knowledge about the office photocopier to amount to a degree and juggling our Venti-skinny-soy-mocha-lattés every morning we develop greater patience and personal compassion for other people as we gain

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## A REFLECTION ON ARTICLES OF CLERKSHIP

a broader understanding of the problems others face from day to day.

Some of my peers have said that this year has opened their eyes to the value of dedicated advocates. Others have decided to turn away from the profession all together and pursue other avenues. Many of us receive a first hand introduction to the potential of the law to be of great assistance and also cause great harm to people, and begin to realise that this balance is tenuous.

It begins to dawn on us that often the dedication and skill of a legal practitioner can make a difference in the lives of others. For a significant proportion of the articulated clerks, this year will amount to an important introductory course in office politics and a tax-deductible Blackberry.

When I asked my peers about the most testing experience of their articles a wide range of answers was provided.

For some it was forgetting to file that Notice of Defence and having judgement automatically entered against their client as a consequence. For others it may have been the day they got trigger-happy with the 'Reply to All' button, particular Friday-Night drinks they would rather forget or the day they made a mistake in the first affidavit they had ever sworn.

All of them cringe when recalling the particular incident.

I am told (by older and wiser individuals) that often these testing times become the making of these articulated clerks, transforming them from bright-eyed and bushy-tailed students in suits into competent solicitors.

The one experience we all seem to have in common as a result of our time in training is the opportunity to make errors and, as now formally recognised "grown-ups", being forced to deal with the consequences in a professional environment.

We learn to face up to our blunders, take active steps to rectify them and, in the end, weather the storm.

Once the training wheels come off, this aspect of our clerkship is arguably the most important lesson that we could hope to take with us into the next phase of our career.

It is having an opportunity to handle the aftermath of our mistakes that could arguably be essential to our development as young adults and budding legal professionals. ■

1. Monash Law Review, vol 26, no 1 2000.



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