

SEEKING ADMISSION TO PRACTICE?

SOME THINGS YOU NEED TO KNOW . . .



LIV YOUNG LAWYERS' SECTION MANAGER DONNA ADAMS EXPLAINS THE CHANGES AS THE LEGAL PROFESSION CHANGES FROM THE ARTICLED CLERKS SYSTEM TO TRAINEESHIPS.

There have been several different pathways to admission to practice over the past few decades.

Firms and law graduates can now choose between two different avenues, each of which will lead ultimately to admission and a certificate to practice.

Here are some quick facts about each avenue:

Avenue 1: Supervised workplace training (traineeships):

- 12-month process;
- largely this is practical training at the firm (otherwise known as "on-the-job training")
- trainees are paid employees of the firm; and
- trainees are obligated to complete 10 subjects ("competencies").

Avenue 2: Practical legal training (PLT):¹

- is completed with an approved PLT provider;²
- can be completed in under six months;
- a combination of practical work experience at a firm, the majority is course-work (either online or onsite at the education facility);
- the cost of the course is paid for by the student (usually about \$6000-\$7000 for Australian residents).

The first avenue, supervised workplace training (traineeships), replaced articles of clerkship from 1 July 2008.

This means that any articled clerk who commenced their articles before 1 July 2008, will still be on the old articles scheme,³ and should still be referred to as an "articled clerk".⁴

Any law graduate who commences at a law firm after 1 July 2008 will be referred to as a "trainee" and will be required to comply with the new Admission Rules.⁵ (As of 1 July all applicants will be required to submit to the Board of Examiners (the board) a police check and academic conduct report from their university and if relevant, from their PLT provider.)

KEY CHANGES

There have been a number of changes to the admission process. Four of the key changes are outlined below:

1. Within the first month of articles, the articled clerk would lodge with the board their Schedules 4 and 5 together with a full academic record. Now within the first month under the new traineeships scheme, the trainee will lodge with the board their Schedule 4, together with a full academic record and a "training plan", which sets out the agreement between the firm and the trainee as to the subjects (competencies) that the trainee will complete, about when this will happen and whether they'll be taught internally or externally;⁶
2. Under the old articles scheme, there was no requirement to complete subjects, all training was able to be conducted inhouse. Now under the new traineeships scheme, three of the 10 subjects must be taught externally by an accredited provider;⁷

3. Under the old articles scheme, a person may have been a "principal" of no more than two articulated clerks at a time unless they had sought the prior approval of the Board of Examiners.⁸ Now under the new traineeships scheme, a person may be a supervisor of only one trainee at a time unless they have sought the prior approval of the board;⁹
4. Under the old articles scheme, a person could only be a "principal" under articles if they had been in private practice for a continuous period of not less than five years (during which of least two years they had been in practice as an eligible legal practitioner).¹⁰ Now under the new traineeships scheme, a person may be a "supervisor" of a trainee if they are an Australian lawyer engaged in legal practice (or they are a government, corporate or commercial or community legal officer) and they are working principally in Victoria, and they have worked as either (or both) a practising solicitor or a practising barrister for a total of at least five years (of which at least three of those years were spent working as a solicitor).¹¹

ADVICE FOR NEW TRAINEES

Some articulated clerks have been caught out in the past by assuming that the onus rests on the firm to tell them what needs to be lodged with the board and when it should be lodged.

It is helpful to remember that while the human resources departments of your firm may be able to assist, the responsibility rests with you to ensure that all your documents are in order.

The old-fashioned requirement to lodge your documents in person with the board still exists, so it's beneficial for you to be

familiar with the content and significance of those documents in case the board asks you any questions when you lodge.

The board is helpful when it comes to the admission process and trainees are encouraged to seek the board's advice and assistance at any time. For further information, see www.supremecourt.vic.gov.au.

FREQUENTLY ASKED QUESTIONS

The LIV website has an extensive list of answers to some of the most frequently asked questions in relation to the new Admission Rules and firms together with trainees are encouraged to read these FAQs at first instance as they may well answer your questions.

The LIV Young Lawyers' Section continues to be available to members to assist with articulated clerk and traineeship telephone inquiry service on ph 9607 9370.

For further information or a copy of the new Rules and a sample training plan, see www.careers.liv.asn.au/clerkship.asp. ■

1. The June 2008 edition of the *LIV* contained an information article explaining the two PLT options open to people seeking admission to practice (pages 26-27).
2. Approved PLT providers as at the date of writing are College of Law, Leo Cussens and Monash PDLP.
3. This is a reference to the now revoked *Legal Practice (Admission) Rules 1999*.
4. Refer to r7.03 of the *Legal Profession (Admission) Rules 2008*.
5. The new *Legal Profession (Admission) Rules 2008* (the Rules) commenced on 1 July 2008.
6. A copy of a training plan is available at www.careers.liv.asn.au/content.asp?contentid=92.
7. These three subjects are: each element of Lawyers' Skills; the risk management element of Work Management and Business Skills, and Ethics & Professional Responsibility. (See r3.09 of the *Legal Profession (Admission) Rules 2008*.)
8. Rule 3.11 of the *Legal Practice (Admission) Rules 1999*.
9. Rule 3.08(3) of the *Legal Profession (Admission) Rules 2008*.
10. Or they had sought approval of the Board – see r3.11 of the "old Rules".
11. See r3.05 of the new *Legal Profession (Admission) Rules 2008*.

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- Environmental and Planning Law

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APPLICATIONS CLOSE May 2009

