

Education Programs in the time of COVID-19

By Robert Hollo SC and Tiffany Wong SC

The COVID-19 pandemic and its consequences have presented unique disruptions and novel challenges to the education activities of the Bar Association. However, the responses to these challenges and changes to the mode and nature of practice necessitated by them have opened up opportunities for the delivery and form of educational content, and new means to strengthen the key relationships which are at the heart of early instruction at the Bar.

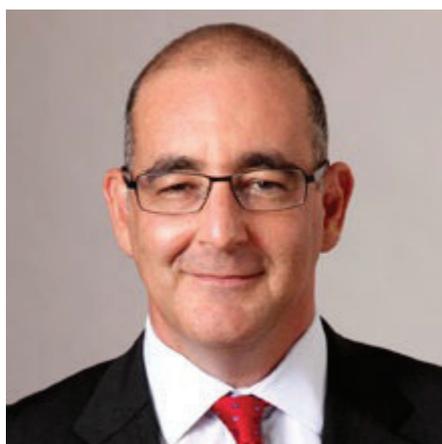
The threats caused by the pandemic and the measures taken in response to them have had an immediate impact on the core educational and monitoring programs conducted by the Association. Bar Council was faced with a number of difficult choices because of the practical difficulties associated with social distancing and 'lockdown'.

First, it resolved to cancel the May 2020 Bar Practice Course (BPC). Under social distancing requirements, the BPC, and especially the advocacy and in court practice sessions, could not be conducted in the manner they have been designed. As discussed below, the BPC will be run later this year, in September.

Secondly, in view of the difficulties of conducting the Bar Examinations under its present format, the mid-year exams were also postponed. While the Association was the first of its kind in Australia to conduct the exams on laptops (E-Exams), the overwhelming majority of candidates take the exams under monitored conditions in Sydney.

Thirdly, while the May 2020 BPC was cancelled, some readers, who had already passed the Bar Exams still wished to commence practice at the Bar and the reading program. Many of them had made irrevocable arrangements, either commercial or personal; for example, leaving their previous employment. It did not appear satisfactory to shut out such candidates from commencing at the Bar notwithstanding that they had not completed the BPC. Rather it was decided to require them to submit expressions of interest which set out their experience, their tutors and the arrangements that they had made in view of the challenges that they were likely to face in commencing practice at this time.

These readers have now been issued with



practising certificates, with more restrictive conditions than would usually be the case until they are able to participate in and satisfactorily complete the BPC. For instance, they have limited rights of appearance – they can only appear with a barrister with an unrestricted practicing certificate. They require their tutor's approval to do opinion work for solicitors and must confer with their tutors at least once a week.

Of course, these arrangements have imposed burdens not only on readers, but also their tutors. This is not only because of the disruptions caused by the need to practise remotely, but also because these readers will not have had the benefit of undertaking the BPC when they commence their reading program. Although it is early days, the indications are that tutors and readers are meeting these challenges admirably. The enthusiasm of readers and the dedication of their tutors suggest that they will make the most from practice during these unusual times.

In view of the likelihood that forms of social distancing may still be in force in September this year (when the next BPC is scheduled), planning is underway to make some significant changes to the mode and content of the various presentations and sessions which comprise the BPC. Arrangements are being made to enable the course to be conducted, to a significant extent, remotely. This will require the cooperation of the many barristers, judges and professionals who present and participate in the BPC.

Some presentations and sessions will be able to be conducted on audiovisual platforms, advocacy tuition will, if necessary,

be conducted and assessed by remote means, and written and group work will also be able to be prepared remotely for assessment. It is proposed that the in court practice sessions, applications and mock trials will be conducted, if necessary and to the extent permissible, on the audiovisual platforms currently utilised by the courts. The content of the course will also focus on aspects of remote hearings and appearances.

COVID-19 has also had an obvious impact on the presentation of the Association's CPD program. Papers and seminars could not be delivered in the Bar Common Room or in court rooms. Rather, such sessions have been delivered online, and via the Association's CPD portal: <https://cpd-streaming.nswbar.asn.au>. Several presentations and seminars have been delivered in this fashion. Some of these have focussed on aspects of appearing in virtual courts and remote advocacy, while others have related to the law and regulation which has been made in response to the pandemic itself.

While many of these changes and initiatives have been occasioned by difficult times, they will have the advantage of equipping practitioners (both old and new) to deal with different modes of practice which are likely to continue in use even when social distancing and other measures are ultimately relaxed. These changes will be reflected in the mode and content of the educational programs delivered by the Association and also the options available to develop the reader-tutor relationship which is central to the commencement of practice at the Bar.

BN