

Articles v PDLP

Hindsight is a wonderful thing

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Hindsight is a wonderful thing, as is the luxury of having been admitted to practice. The utility that both offer is that I can now comment on my experiences and advocate a position which has no direct bearing upon my circumstances. Weighing up the training provided through articles against the Postgraduate Diploma in Legal Practice, Skills and Ethics (PDLP) experience, I believe the comprehensive UK approach, which incorporates a trainee clerkship and a course similar to PDLP, is the ideal way to train graduates.

In studying and training to become qualified as a solicitor, I was fortunate enough to study in three different jurisdictions, and experience three different approaches to admission. With the current preference in Victoria for articulated clerkships, I felt I could put forward my ideas on what I consider to be an effective approach to the situation without myself having to endure the hardships advocated. Undoubtedly, the views I now hold are not the outlook I adopted while I was a student. While studying I shared the ideas of the general body of law students of wherever I was, namely, what is the shortest route to admission?

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A brief account of my journey to becoming qualified may shed some light on why I consider the UK approach preferable. I completed a law degree in the UK, where, in order to be admitted to practice, you are required to complete:

- a law degree (admittedly, this is a three-year degree);
- a legal practice course (similar to Leo Cussens or equivalent legal practice courses such as The Victoria College of Law program); and
- two years as an articulated clerk (a trainee clerkship).

I relocated to Australia after completing the first of these requirements. Part-way through my Master in

Commercial Law degree at Melbourne University, the Board of Legal Examiners indicated that, for the purposes of admission, they would not recognise my UK law degree. The consequence of this was that, in order to be admitted in Australia, I was required to obtain an Australian law degree. Having come so far, I duly complied and completed an Australian law degree.

Articles were difficult to come by, so the alternative then was to complete the Leo Cussen legal practice course. Since admission I have seen one set of articulated clerks rotate through my firm. A question I am regularly asked is whether I consider a PDLP course an adequate substitute for doing articles? My answer, eighteen months into practice, is Yes and No. My view is that the system adopted in the UK, which while studying I considered excessive, in fact provides the best of both worlds and is the ideal way to train graduates.

To answer the PDLP v articles question, I maintain that the benefit of PDLP is that you get a holistic approach to practical experience, an experience that you do not necessarily get as an articulated clerk.

The downside is that you do not get to rotate through different areas and experience the true mechanics of the operation of a law firm, but more importantly, however, you do have the opportunity to meet different partners and practitioners on your journey.

Often, when I have spoken to articulated clerks, the one thing I identify missing out on (having completed PDLP) is the ability to gauge which people I was comfortable working for. My limited experience suggests that the difference is made, not by whom you work for, but by whom you work alongside. As such, exposure to different people and different areas through articulated clerkship rotations is invaluable. Weighing up the training provided through articles against the PDLP experience, I consider the comprehensive UK approach best equips lawyers for practice.

The approach UK law firms take to recruitment is also different from the approach taken by Australian firms.

In the UK, law firms take a proactive role in seeking out individuals to recruit as articulated clerks. On numerous occasions, law firms attend on campus, provide a good spread of food and drink and sell themselves to those students who have taken the time and opportunity to attend. Apart from the free food and drink, students have the opportunity to come face to face with the HR personnel responsible for making the crucial decisions in reviewing applications.

If nothing else, this offers an insight into what they consider to be the important issues. Access to information

and individuals is therefore more freely available in the UK, as opposed to the CVMail application process.

As an incentive to accept articles, certain firms offer to pay for your legal practice course and a living allowance while you complete the course.

As recruitment takes place in your penultimate year of study, you have the peace of mind that you have a job at the end of the legal practice course. This peace of mind is something fundamentally missing with students completing the Leo Cussen course. Once the legal practice course is completed you have two years of clerkship ahead of you.

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Furthermore, this approach offers one of two different alternatives to law firms, namely:

- allowing for a longer rotation in a particular area (e.g. four rotations of six months as opposed to four rotations of three months). The benefit to articulated clerks is that they have more exposure to an area and as time progresses they may in fact become more involved in the legal aspects of the department. Likewise, having completed a legal practice course they will at least have a basic knowledge of how things operate when they first begin; or
- allowing for shorter rotations through a greater number of areas (e.g. six rotations of four months or eight rotations of three months).

This approach lends itself to law firms having a different perspective on articles. As a substantial outlay is made to train the articulated clerk, law firms are encouraged to ensure that they provide a better quality articulated clerkship (hopefully) and it also becomes important to them to retain their articulated clerks after the completion of articles.

In the UK one of the aspects that the law firms would stress at their career nights on campus was their retention rates following articulated clerkships. This became an important reason for applying to a law firm because, if the law firm could not retain their articulated clerks following articulated clerkships, then the question begged to be asked why one would want to do articles there. The other thing it did was to provide peace of mind that at the end of your articulated clerkship you would have a job and that, in all likelihood, you would enjoy where you worked.

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Your profession – your say

SARAH EMMERSON, LAWYER,
HERBERT GEER & RUNDLE

A good lawyer has the ability to listen to your client and understand their motivations and objectives; provide practical solutions to problems or requests; be inventive; have a sense of humour.

I decided to study law because the processes of being trained how to think analytically appealed – as did the enjoyment of studying history and philosophy (which, when you think about it, the study of law does encapsulate) and because I was told at school that it would open doors for me and create opportunities in life, not just in the legal profession.

The best thing about being a lawyer is that I learn something new each day, and interact with interesting and intelligent people.

I want to maintain a balance in my life, which for me means accomplishing my goals, both professional and personal.

I don't think it is a conscious decision to market myself at this stage in my career. Being attentive and interested in people is probably going to get me further than a direct marketing spiel.

I manage to broaden my legal skill set through observation of peers and those with greater experience, and focusing on relevant training.

Law school prepared me for writing long essays and being really handy with a legal citation guide, but it probably didn't give me a full appreciation of what the reality of legal practise would be like. But this generation of law students/junior lawyers has generally been exposed to law firms through either part-time work or clerkships, so the illusion is probably shattered before the first day of your articles year.

Outside of working hours I act the social butterfly with my friends (especially the ones who aren't lawyers and don't understand why you are at work at 8am and still there at 7pm), spend time on a big property on the peninsula where I can actually see the stars in the sky, drink wine, spend too much money...