



# **THE JOB READINESS OF LAW GRADUATES AND ENTRY LEVEL SOLICITORS IN PRIVATE PRACTICE**

## **FINAL REPORT**

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# CONTENTS

1. INTRODUCTION.....	2
1.1 THE LEGAL EDUCATION LANDSCAPE.....	3
2. RESEARCH DESIGN AND METHODOLOGY .....	10
2.1 PROJECT SCOPE AND OBJECTIVE.....	10
2.2 RESEARCH DESIGN AND METHODOLOGY.....	11
3. RESEARCH RESULTS .....	13
3.1 ONLINE SURVEY .....	13
3.1.1 DEMOGRAPHICS.....	17
3.1.2 QUANTITATIVE SURVEY RESULTS.....	19
3.1.3 QUALITATIVE SURVEY RESULTS.....	27
A. MISSING SKILLS AND SUGGESTED REFORMS.....	28
B. OTHER EMERGING THEMES .....	54
C. TRAINING PROVIDED BY LAW FIRMS .....	59
3.2 FOCUS GROUPS.....	61
A. SUMMARY OF INDIVIDUAL FOCUS GROUP RESPONSES .....	62
B. FOCUS GROUP ANALYSIS BASED ON SKILLS CATEGORIES.....	66
4. RESEARCH FINDINGS (FOR SURVEY AND FOCUS GROUPS).....	72
A. POSITIVE PERCEPTIONS OF THE JOB READINESS OF ENTRY LEVEL SOLICITORS.....	72
B. PRIMARY AREAS OF CONCERN .....	73
I. PRIMARY MISSING SKILLS .....	74
II. OTHER EMERGING THEMES.....	78
C. SUGGESTIONS FOR REFORM FROM THE SURVEY RESPONDENTS AND FOCUS GROUPS.....	81
5. CONCLUSION .....	86
6. REFERENCES .....	89
7. APPENDIX.....	94
7.1 COPY OF THE SURVEY .....	94
ENDNOTES.....	102

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**We acknowledge the First Nations peoples  
as the original inhabitants of Australia.**

**We recognise, respect and celebrate the  
cultural distinctions of First Nations peoples  
and value their rich and positive contribution  
to not only Queensland but also to the  
broader Australian society.**

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# 1. INTRODUCTION

The primary objective of this research project was to obtain the views of the Queensland legal profession in relation to the job readiness of law graduates and entry level solicitors in private practice and to assist with identifying the reasons for the discrepancy between employer expectations of the skills required for legal practice and the legal education system's standards for the skills of law graduates and entry level solicitors in Queensland.

The impetus for this project was the continued expression of concern by Queensland Law Society (QLS) members regarding the competence and job readiness of newly admitted solicitors, which led the QLS to believe that there may be a gap between employers' expectations of law graduates' and newly admitted solicitors' skills and the skills and competencies resulting from the current legal education framework in Queensland.

As the legal profession is currently undergoing a significant period of disruption, and cultural and technological changes are poised to reshape the delivery of legal services over the coming decades, this project is timely and important. The project is also pertinent in view of the Council of Law Deans' (CALD's) current review of the regulatory framework as well as the Australian Professional Legal Education Council's (APLEC's) proposed review of the professional legal training (PLT) Competency Standards.

The hypotheses identified by the QLS as driving this research were:

1. There is a gap between employer expectations and current educational outcomes directed at meeting current admission competency and legal knowledge requirements;
2. Some legal practices, particularly smaller firms, perceive that they lack the resources in the changing market to provide additional training to upskill new employees;
3. Newly admitted solicitors are finding it difficult to maintain longevity and satisfaction in their careers and are disproportionately moving to corporate and government teams;
4. The QLS wants to take an informed and evidence-led leadership role in the development of the next generation of legal practitioners to ensure the continued health and success of the Queensland legal profession.

The project was funded by the QLS and undertaken through the Bond University Centre for Professional Legal Education with three Chief Investigators: Associate Professor Francina Cantatore, Assistant Professor Tanya Atwill and Professor Rachael Field.

The project commenced on 1 October 2020 and concluded on 1 December 2022.

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## 1.1 THE LEGAL EDUCATION LANDSCAPE

This section considers the meaning and importance of job readiness, both generally in the world of work, as well as more specifically in the context of legal practice, drawing on available scholarship and literature. It identifies higher education institutions as key sites where job readiness is developed, and makes links between the job readiness of law graduates and the content and delivery of legal education in law schools. An important contextual precursor to considering the notion of job readiness and its place in the relationship between legal education and legal practice is an understanding of the contemporary Australian legal profession. A snapshot of the profession is therefore provided next.

### The State of the Legal Profession in Australia

There are currently 15,792 people legally certified to practice law in Queensland, 12,600 of whom are Queensland Law Society practitioner members.

One of the most recent sources of national statistics describing the Australian legal profession landscape is the 2020 National Profile of Solicitors.<sup>1</sup> The 2020 National Profile tells us that as at October 2020, there were 16,393 private law practices in Australia. This was a reduction from the 2018 figure of 16,435. A majority of practices is made up of sole practices or law practices with one principal (82%), followed by law practices with two to four principals (10%). Higher proportions of sole practices and law practices with one principal were observed in Victoria (87%) and South Australia (86%). Across Australia, there were only 71 law practices with 21 or more principals. Almost half (30) were based in New South Wales.

In October 2020, there were 83,643 practising solicitors in Australia, the majority of whom were located in the eastern states of New South Wales, Victoria and Queensland as well as the Australian Capital Territory. In relation to the location demographic in 2020, more than half of all solicitors were practising in a city-based location (53%), a third were practising in a suburban location (34%) and one in ten were practising in a country/rural location (10%).

In terms of the Queensland legal profession, the 2020 National Profile tell us that between 2011 and 2020 the number of Queensland solicitors grew by 54%. In terms of the number of applications for admission in Queensland from law graduates, the LPAB Annual Report for the period 2020 to 2021 reveals that there has been an increase in admission numbers from 1,070 total admission applications (which include MRA – Mutual Recognition Applications and TTMRA – Trans Tasman Mutual Recognition Applications) in 2016/2017 to 1,333 total admission applications in 2020/2021.<sup>2</sup>

In the year of 2020/2021, the Queensland Legal Services Commission's Annual Report<sup>3</sup> tells us that there was a 4.1% increase in the number of lawyers in Queensland with 92% (14,631) being solicitors and almost 7% (1,161) constituting barristers. 15,792 lawyers held practising certificates (this excludes government lawyers). Of the certified lawyers in Queensland in that year, 52.13% (8,232) identified as female, 47.82% (7,552) as male and 0.05% (8) as 'gender unspecified'. 43% of Queensland solicitors were in sole practices and 73% were in private practice (12% in Corporate Legal, 7% in Government, 4% in Community Legal and 5% Other).

The next sections explore the notion of job readiness with reference to the relevant literature. We explore job readiness as a broad concept applicable to the world of work broadly, along with generic job readiness skills. We then consider the Australian literature to understand scholarly perspectives on job readiness for law that will help to interpret and understand the data that has emerged from the empirical work of this project.

### The Concept of Job Readiness

The concept of job readiness generally encompasses the knowledge, skills and attitudes that employers are looking for in new employee recruits – typically when new graduates are entering the world of work after having completed a higher education qualification.<sup>4</sup> Also referred to as 'work readiness', 'career-readiness', 'practice-readiness or 'employability', the term 'job-ready' refers to the minimal qualifications and expertise for entry into a specific occupation or profession. Job readiness as a concept is multi-dimensional.<sup>5</sup> It can be defined as 'the ability to be employed',<sup>6</sup> and as the capacity to manage an immediate work environment with resilience and adaptability.<sup>7</sup> Other definitions point to job readiness as the probability of an individual being and staying employed.<sup>8</sup>

Job readiness is considered essential in the contemporary working world which is 'marked by precarity due to massification, rising globalisation and increased job insecurity'.<sup>9</sup> Researchers and policymakers generally agree that individuals seeking employment need to be job-ready and employable.<sup>10</sup>

Individual job seekers face unpredictable economic times on a global scale which bring employability and job readiness to the fore as important potential success factors for them in the labour market.<sup>11</sup> Those seeking employment as they transition

out of education contexts and into the workplace, value the idea of being job-ready, at least in part because job readiness gives them a competitive advantage over other applicants for limited positions.<sup>12</sup> Job readiness also has value for job seekers because it has been linked to moderating the negative impacts on employee well-being caused by job insecurity, and it is associated with states of positive well-being.<sup>13</sup> For this reason, job-ready graduates entering professions are better prepared for the challenges of the workplace, and they are more confident and equipped to succeed.

Employers are increasingly seeking workers with the training and skills needed to perform their jobs adeptly at entry level and who can immediately on recruitment contribute to the capacity of an organisation to reach its goals. From an employer's perspective, job-ready employees can 'hit the ground running' and are immediately able to use their knowledge and skills to add value to an organisation.<sup>14</sup> For this reason, job-ready graduates are cost-effective and 'good for business'.

The demands of prospective employees and employers for job readiness turn the focus to the institutions who might be considered responsible for ensuring that job seekers are indeed ready to competently enter the world of work.<sup>15</sup> Behle acknowledges that job readiness has now become a key institutional goal for universities and higher education programs, and is an important indicator of the quality of such programs.<sup>16</sup> Bennett and Ananthram claim that graduate employment outcomes have now become 'a performative function of universities',<sup>17</sup> referring to causative factors for this development as including 'unprecedented change within global education, technology, and employment systems' combined with 'labour market uncertainty and massification'.<sup>18</sup> According to Neroorkar, these factors have been exacerbated by 'the global health crisis and economic disruption caused by COVID-19' resulting in 'job loss, insecurity and changes in the work environment'.<sup>19</sup>

Achieving job readiness in graduates is therefore a significant focus of universities around the world, with Australian higher education providers almost always proclaiming a list of 'graduate capabilities' that reflect the non-discipline specific skills and attitudes that the institution aims for all its graduates to possess on graduation.<sup>20</sup> As the 41 law schools in Australia are all part of universities, the job readiness of law graduates, and the acquiring of 'graduate capabilities' before graduation is also an important contemporary consideration for law schools.<sup>21</sup>

### Elements of Job Readiness

The existing literature generally acknowledges a number of core skills that contribute to job readiness.<sup>22</sup> As long ago as 2002, the Australian Chamber of Commerce and Industry and the Business Council of Australia issued an Employability Skills Framework that included both personal attributes and skill sets.<sup>23</sup> The personal attributes comprised loyalty, commitment, honesty and integrity, enthusiasm, reliability, personal presentation, common sense, positive self-esteem, a sense of humour, a balanced attitude to work and home life, an ability to deal with pressure, as well as motivation and adaptability. The key skill sets identified in the 2002 Framework included communication, teamwork, problem solving, planning and organising, technology, learning, self-management, initiative and enterprise skills. These attributes and skill sets are largely consistent with those identified in the data of this project, which will be discussed in the following sections of this report.

As noted above, the elements of job readiness are expressed in tertiary education contexts as graduate attributes.<sup>24</sup> Graduate attributes are the generic skills that over time employers have identified as important for graduates to have before they leave tertiary education and enter the world of work. Universities generally adopt graduate attributes as a whole and seek to integrate them into the university's curricula across the course of all disciplines. Graduate attributes have been defined as 'the qualities, skills and understandings a university community expects its students to develop during their time at the institution and, consequently, shape the contribution they are able to make to their profession and as a citizen'.<sup>25</sup>

The graduate attributes of universities in Australia largely reflect the attributes and skills identified above. For this reason, it might be expected that all Australian law graduates are job ready. However, the scholarly literature reflects some criticism of legal education in this regard. Before examining that literature, a brief account of the place of the concept of job readiness in the context of legal education is provided.

### Job Readiness and Developments in Legal Education

This section considers the place of the concept of job readiness in the context of legal education and how it has evolved since the origins of Australian legal education through to contemporary times.<sup>26</sup>

In Australia, the first legal practitioners consisted almost entirely of people who had been trained and admitted in the UK, and Australian students of law in colonial Australia continued to learn on-the-job in practice with experienced practitioners as their mentors. The first law school — the University of Sydney — was inaugurated in 1855. By 1936 there was a law school in each of the State capitals, although there were very few full-time legal academics and legal education remained highly vocational.

The introduction of law schools to Australian universities was relatively controversial because many scholars in other academic disciplines continued to see law as a practical vocation rather than an academic discipline. Many insisted that there was no place for the teaching of law at a university. Indeed, Thorstein Veblen famously claimed in 1918 that:

In point of substantial merit the law school belongs in the modern university no more than a school of fencing or dancing.<sup>27</sup>

The vocational approach to teaching law continued in Australian law schools until after World War II. Both the content of the curriculum and the way it was taught were controlled by the legal profession. Law teachers were usually practitioners appointed to the university on a part-time basis, and lectures were given in the evenings to students who were studying part-time while completing legal apprenticeships in the form of articles of clerkship.<sup>28</sup> The discipline was accorded a relatively low status by other scholars, and the law schools were perceived as mere ‘adjuncts to the profession’ rather than truly academic institutions.

However, after World War II, a concern on the part of the Australian Government that the approaches and practices of the Australian legal profession were not up to the standard of comparable countries prompted a shift to ‘modernise’ legal practice through university legal education, leading to the emergence of the ‘professional law teacher’ or ‘legal academic’. Over time legal practitioners became less involved in the process of legal education as the professional law teachers focused on teaching law as a scientific and rigorous academic discipline. The result was effectively the abandonment of vocationalism in Australian law schools and adoption of doctrinal approaches to legal education.

This development meant that job readiness was no longer the central tenet of approaches to legal education in Australia. Rather, each subject area taught had its own set of doctrines to be identified, analysed and memorised.

In 1976, the Australian Legal Education Council (ALEC) was established and tasked with identifying a common ‘core’ of doctrinal compulsory subjects to be taught by all law schools for graduates seeking admission to the legal profession.

In 1987 the Commonwealth Tertiary Education Commission issued an important report on Australian legal education typically referred to as ‘the Pearce Report’.<sup>29</sup> This report identified a number of serious problems with Australian legal education, concluding that it was, among other things, insufficiently theoretical and critical. The report also acknowledged the significant gap between the legal academy and the legal profession and emphasised the importance of teaching law students how to *practise* law. With the Pearce Report came a significant shift in the relationship between law schools and government, and law schools were no longer left alone to regulate themselves.<sup>30</sup>

In the 1980s, the Law Admissions Consultative Committee (LACC), once chaired by Lancelot John Priestley, was established to guide ‘the development of uniform admission requirements throughout Australia’.<sup>31</sup> ‘LACC comprises representatives of the law admitting authorities of every jurisdiction in Australia, together with the President of the Law Council of Australia, the Chair of the Committee of Law Deans and a representative of the Australian Professional Legal Education Council (‘APLEC’). Its charter is endorsed by the Council of Chief Justices, to whom it regularly reports’.<sup>32</sup>

### Regulation of Australian Legal Education

In 1992, the Uniform Admission Rules were developed by LACC and provided to all the admitting authorities in each State and Territory with a recommendation that they be adopted around Australia. The Model Admission Rules 2015 (as they are now known) prescribe in detail the eleven areas of study that constitute the academic requirements for admission.<sup>33</sup> Known as the ‘Priestley 11’ these areas include the following areas of law: criminal law and procedure, torts, contracts, property, equity, company law, administrative law, Federal and State constitutional law, civil dispute resolution, evidence, and ethics and professional responsibility. Statutory interpretation is sometimes referred to as the ‘12<sup>th</sup> Priestley’ but has not been formally integrated into the core compulsory subject list despite LACC having issued a statement on it.

The contemporary Australian Bachelor of Laws degree (LLB) and Juris Doctor degree (JD) require completion of the 11 doctrinal subjects along with the option to choose from a range of available elective law and non-law subjects. Many universities also offer a variety of clinical programs and placements which offer a work-integrated learning (WIL) experience.

Each law degree provider is required to undertake accreditation with the Chief Justice in the provider’s state or territory through the relevant legal practitioners’ admission authority or Law Society. Law courses also have to be registered by the Tertiary Education Quality and Standards Agency (TEQSA) which regulates and assures the quality of all providers of higher education in Australia and ensures that providers meet the conditions set by the Australian Qualifications Framework (AQF), which provides national regulation and recognition for qualifications in Australia.<sup>34</sup>

A law degree usually takes three to six years to complete, depending on the chosen program and institution. On successful completion of an LLB or JD the student progresses to a practical legal training (PLT) course. PLT courses have replaced the



legal apprenticeships known as ‘articles of clerkship’ and range from 15 weeks to 24 weeks in length with supervised work placement requirements of at least 15 days. On completion of these requirements, a person is then qualified to seek admission to practise law in Australia.

The articles of clerkship scheme was phased out and replaced in 2002 when admission authorities endorsed the PLT Competency Standards for Entry-Level Lawyers which had been developed jointly by APLEC and LACC. These Standards provided the option of undertaking practical legal training with a PLT provider or undertaking a minimum one-year supervised traineeship scheme. The APLEC website states: ‘The introduction of PLT Courses was largely a response to the lack of available places for Articled Clerks and concern as to the quality of the Articles experience.’<sup>35</sup> Articles were generally two or five years in length at that time. The Standards were subsequently revised in 2015 and 2017.

The Council of Australian Law Deans (CALD) produces a factsheet in relation to the number of law graduates (LLB and JD) starting employment or entering the job market. The most recent available data is from 2018 when the figure was 8,499. The data was drawn from a survey conducted by CALD of the then 39 law schools across Australia. The same fact sheet includes the comment:

There is very little data about job prospects for law graduates, particularly data on the number of entry level jobs in law. However, according to Graduate Careers Australia, around 75% of those who graduated from law school 4 months earlier and were available for employment were in fact employed full time when its 2017 Australian Graduate Survey was conducted. This outcome is just higher than the national average for graduate employment which is a little under 72%.<sup>36</sup>

The current regulatory landscape for legal education and admission to practice in Australia is complex. Each State and Territory has an admitting authority or organisation responsible for accrediting, monitoring, reviewing and reaccrediting law courses. There are also many other organisations involved in legal education in Australia. In Queensland, the Legal Practitioners Admissions Board (LPAB) is a statutory body established under the *Legal Profession Act 2007* (Qld). In conjunction with the Chief Justice, the LPAB approves academic and PLT courses, and makes recommendations to the Supreme Court in relation to applications for admission by assessing the eligibility of applicants (academic qualifications and practical legal training) and their suitability (good fame and character). The LPAB also contributes to the debate around legal educational standards and admission criteria duties through its consultation with other stakeholders including the judiciary, LACC, the Queensland Government and the legal profession.

### **An Analysis and Critique of Legal Education and Job Readiness for Legal Practice**

The literature on employability and job readiness for law students reflects many of the skills and attitudes discussed above in relation to the notion of job readiness more broadly.<sup>37</sup> There have been numerous reports concerning issues relevant to the future of the Australian legal profession produced in recent years.<sup>38</sup> Whilst a number of reports have argued that law schools and PLT should produce ‘practice-ready’ graduates, it is not always clear what this means. This section considers the relevant body of literature and scholarship in Australia that concerns the job readiness of law graduates – with particular emphasis on the future.<sup>39</sup>

Many industry disruptors have also been identified that are impacting the notion of job readiness for legal practice. For example, the growth of multi-service firms and in-house counsel with a shift from purely legal to more business-oriented work, which may mean that job readiness requires business as well as legal knowledge; globalization and a growth in international firms and overseas opportunities for Australian firms; and new technologies being used by law firms and adopted by clients.<sup>40</sup> COVID-19 was also recognised as a significant disruptor with the flow-on effect of increasing the use of online technologies.<sup>41</sup>

Some of the dominant themes in the extant literature and scholarship relating to understanding the nature of job-readiness in legal contexts include:

#### **Lawyer’s Skills**

The literature acknowledges that the Priestley 11 subjects remain important,<sup>42</sup> however, much of the literature emphasises that legal education should also reflect particular areas of skill and knowledge specific for law graduates.<sup>43</sup> Wang, for example, notes the importance of critical and independent thinking skills, interpersonal communication and negotiation skills and adherence to ethical practice (see also below).<sup>44</sup> The participants in Bentley and Squelch’s study expressed concern about the ability of graduates to analyse and use information gained through legal research; and whilst technology has made it easier for graduates to find resources, lawyers must still make appropriate judgements about the quality of the resource and how to use it, which some graduates struggle with.<sup>45</sup>

Further, as technologies assisting with finding and analysing legal information develop, legal professionals will be less concerned with having knowledge (as per the Priestley 11) and more concerned with having the skills to analyse it.<sup>46</sup> Kift argues that technical disruption and the age of Google has meant that acquisition of knowledge is no longer a challenge and therefore the focus of legal education should be on knowledge application and the ability to critically analyse and utilise information in context.<sup>47</sup> Wang has said that ‘...despite the advancement of technologies and the need to respond to changes brought about by them, traditional skills such as critical and analytical thinking and problem solving, and values of legal practice such as ethical propriety and social responsibility, must all be instilled in future lawyers’.<sup>48</sup>

### **Professional Skills (including self-management and problem-solving)**

The literature acknowledges that adequate professional skills are required for job-readiness for law - such as interpersonal, self-management and personal coping skills (including resilience, flexibility and an ability to adapt to change) along with professional skills – such as problem solving.<sup>49</sup>

Problem-solving skills involve the ability to navigate difficult situations and weigh options to come up with solutions that are practical, smart, equitable and efficient. Job seekers in law who lack problem-solving skills will be at an employability disadvantage when competing with those who do possess these skills. Bentley and Squelch’s study indicates that problem solving skills and legal research skills are important for contemporary practice.<sup>50</sup>

Legal professionals should be better informed about the range of dispute resolution options available and how they operate.<sup>51</sup> Collins notes for example, that although the practice of law is changing in the sense that more disputes are being managed and resolved dispute resolution mechanisms other than litigation, law schools are still producing graduates that are ‘versed in adversarial-style lawyering’.<sup>52</sup> Gutman et al also note that teaching law students dispute resolution knowledge and skills is important because of its increasing significance and prevalence in the profession, as adversarial court work is becoming increasingly less common in everyday legal practice.<sup>53</sup> Furthermore, the practice of law requires skills that can be inculcated in dispute resolution subjects, such as communication skills, effective questioning and active listening.<sup>54</sup>

Reflective practice skills, critical thinking, analytical and collaboration skills are also acknowledged as valuable.<sup>55</sup> For example, Appleby et al argue that technology is making it increasingly imperative for law students to be equipped with the ability to think critically and possess analytical skills. Further, future lawyers will require the capacity for mature and contextualised human judgement in the light of increasing machine-operated processes.<sup>56</sup> Legg notes that emotional intelligence, teamwork and collaboration are becoming increasingly important in the light of technologies because they are human characteristics that (for the moment) cannot be replicated by technology.<sup>57</sup>

Further, the need for teamwork and collaboration is present in almost every facet of contemporary working life, including law.<sup>58</sup> Job-ready graduates must have the skills to work as constructive contributors to teams and an appreciation of the give-and-take that is crucial to the exchange of ideas and life-long collaborative learning processes.

Leadership capabilities are also important. Although not every law graduate needs the skill level of a manager, job-ready graduates will possess vision, an ability to motivate themselves as well as others and an understanding of the value of empowering and getting the best out of others.

Bentley and Squelch recognizes that whilst there is still some debate about including professional skills in the law curriculum, the Australian Qualities Framework already requires employability skills as part of the degree.<sup>59</sup>

### **Ethics and Professionalism**

The literature notes that client satisfaction drivers and stand out professional traits in lawyers include the quality of their advice, the ability to provide pragmatic and strategic advice, strong communication skills, and business understanding and efficiency.<sup>60</sup>

As firms are increasingly outsourcing routine legal work offshore (such as due diligence, legal research, legal writing and predicting results), it is becoming more important that graduates are able to conduct more detailed, difficult legal work.<sup>61</sup>

Knowledge and skills in ‘ethics, diversity and inclusion, sexual harassment, family violence, and health and wellbeing’ were acknowledged as valuable.<sup>62</sup> Ferguson argues that in order to produce ethical, well-rounded and practice ready legal graduates law schools should be integrating ethics, well-being and professionalism across the entire legal curriculum.<sup>63</sup>

A strong work ethic is also a marker of legal career success because all employers are seeking employees who are ethical, conscientious, considerate, attentive to detail, and respectful of timelines and the bigger picture.



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### Technological Skills and Knowledge

The increasing adoption of technologies in the legal profession, requires graduates to be technologically proficient, that is, open to and adept at working with new technologies (even with traditional practices, such as client interviews, and negotiation).<sup>64</sup> However, graduates must also be able to communicate without being reliant on technology,<sup>65</sup> and graduates need the ethical skills to manage an increased reliance on developing technologies, such as AI programs, blockchain technologies and data analytics.<sup>66</sup> As Kift argues, increased automation and reliance on AI places ‘a high premium on ethical standards, moral judgment and criticality’.<sup>67</sup>

‘[T]he pandemic accelerated the pace of e-commerce and e-service delivery for almost every public and private sector organisation’ which means that there is increased need for law firms to provide advice in this context. For example, data governance, artificial intelligence development and deployment, cybersecurity, commercialisation of data, and data analytics and privacy.<sup>68</sup>

### Management and Business Skills

Law graduates may be more employable if they have additional skills in areas such as management or finance,<sup>69</sup> and are familiar with basic accounting, and finance concepts as well as business operations, project management and entrepreneurialism.<sup>70</sup> Legg, for example, argues that new lawyers need business skills/accounting and financial knowledge because commercial clients are increasingly wanting lawyers who understand business operations and financial drivers as well as constraints.<sup>71</sup>

### Global Citizen Skills

Due to the globalisation and liberalisation of markets, global perspectives can provide graduates with an advantage, as can familiarity with a foreign country’s laws.<sup>72</sup> For example, in Bentley and Squelch’s study, participants noted that international perspectives and awareness are important and should be integrated across the curriculum rather than deposited in a standalone subject.<sup>73</sup>

### Communication Skills

Written and oral communication skills are considered crucial to being job-ready in any profession, and perhaps particularly for law. Bentley and Squelch’s study found that legal employers considered effective written and oral communication to be essential, and particularly when working with colleagues or clients across cultures.<sup>74</sup> Graduates must be articulate and able to express themselves clearly, listen actively, and write clearly.<sup>75</sup> Skills of drafting, presenting and negotiating have also been recognised in the literature as important to job-readiness of law graduates.<sup>76</sup>

### The Future of Legal Practice

Many industry disruptors have also been identified that are impacting the notion of job-readiness for legal practice moving forward. For example, the growth of multi-service firms and in-house counsel with a shift from purely legal to more business-oriented work which may mean that job-readiness requires business as well as legal knowledge; globalization and a growth in international firms and overseas opportunities for Australian firms; and new technologies being used by law firms and adopted by clients.<sup>77</sup> COVID-19 was also recognized as a significant disruptor with the flow-on effect of increasing the use of online technologies.<sup>78</sup>

There is significant emphasis in the literature that whilst the nature of job-readiness in law may be changing in response to the contemporary development in and imperatives of legal practice, lawyers will still be necessary in the future. New technologies and AI are certainly changing the legal profession, however they are not likely to replace it.<sup>79</sup> For example, Moses agrees that automation will pervade more areas of legal practice and replace the need for lawyers in some aspects, however she argues that there will be an increased need for lawyers who can appropriately advise clients as they navigate transactions and decisions involving technology.<sup>80</sup> The literature therefore includes calls for changes to legal education to ensure lawyers are able to step in where technological advancements and AI require supplementation with the human skills of discernment, judgement and reasoning.<sup>81</sup>

### Conclusion

This section has provided some of the contextual background for the analysis of the data collected in this project on Queensland practitioners’ views about the job-readiness of law graduates. The existing Australian literature affirms the key thematic findings of this report.

The impetus for this project was the continued expression of concern by Queensland Law Society (QLS) members regarding the job-readiness of newly admitted solicitors. The volume of these criticisms led QLS to believe that there may be a gap

between employers' expectations of law graduates and newly admitted solicitors' skills and the skills and competencies resulting from the current legal education framework in Queensland.

In his keynote address to the 2011 Australasian Law Teacher's Association Conference, the then Chief Justice of the High Court, Justice Robert French, spoke about the objectives and content of legal education with great insight:

*The objectives and content of legal education and how it should be undertaken have been much discussed in Australia and in other countries with which we share our legal heritage. A lot of that discussion in recent times has focused upon the relative emphasis to be given to such elements as the contents of the positive law, its social and historical context, the dynamics of its change, the skills and ethical sensitivities needed for legal practice, and the role of the lawyer in society as agent of the rule of law and social justice. Related to that discussion are concerns about the effect of legal education upon law students. An incidental and important question is the extent to which the diversity of law jobs makes generalisations about the desirable outcomes of legal education more difficult.<sup>82</sup>*

The Chief Justice's comments of 10 years ago remain current today. The objectives and content of legal education continue to be debated and the tension between a focus on doctrinal knowledge and the skills and values relevant to legal practice remains. Through this important research, the QLS has led an informed and evidence-based contribution to the development of critical contemporary reforms to legal education. The importance of the project is emphasized because the legal profession continues to undergo a significant period of disruption, and cultural and technological change are poised to reshape the delivery of legal services over the coming decades. The analysis of the job-readiness of law graduates in this project is therefore essential to ensuring the continued health, sustainability and success of the Queensland legal profession.

*'Given how much practice is changing, it's a great time and a tipping point for us to be thinking about revisiting that whole model, all of us...'*

## 2. RESEARCH DESIGN AND METHODOLOGY

### 2.1 PROJECT SCOPE AND OBJECTIVE

#### Research Questions and Projected Outcomes

In order to investigate the job readiness of law graduates and entry level solicitors in private practice, the Bond University research team, together with the QLS, identified the following central research questions:

1. What skills do legal employers expect law graduates to have on entry into the profession?
2. Are the skills that legal employers expect addressed in the current law curriculum and practical legal training (PLT) programs?
3. What reforms are required to better align law graduate skill sets with the expectations of employers in the legal profession?

The key deliverable in this project consisted of a report on The Job Readiness of Law Graduates and Entry Level Solicitors in Private Practice in Queensland, based on the research data and findings obtained through the four-phase approach set out below, and would include informed recommendations to address the identified gaps in skills and competencies; and suggestions for implementing changes within the current framework.

#### Research Team

The Bond University research team (“Bond research team”) was comprised of the following Chief Investigators:

##### Associate Professor Francina Cantatore (Chief Investigator)

Dr Cantatore is the Director of the Bond Law Clinic Program at Bond University and an experienced researcher and law teacher with a track record of high quality doctoral and post-doctoral qualitative and quantitative research. As the recipient of a National Teaching Citation for Outstanding Contribution to Student Learning and several other teaching and research awards, she has expertise in the areas of legal education, graduate employability skills, clinical legal education, and intellectual property law. She has authored three books, more than 30 academic journal articles and several book chapters and presented conference papers at numerous international conferences in her research and teaching areas. Francina is also a practising solicitor, admitted to practice in the Supreme Court of Queensland and the High Court of Australia, and an executive committee member of the Centre for Professional Legal Education. Her research includes extensive qualitative research in the areas of legal education, graduate employability and pro bono engagement.



##### Professor Rachael Field (Chief Investigator)

Professor Field is the Co-Director of the Bond Dispute Resolution Centre and Bond’s Centre for Professional Legal Education. She is an Australian Learning and Teaching Fellow, the winner of a National Teaching Citation as well as an Australian Teaching Excellence Award, and she is a Senior Fellow of the Higher Education Academy. Her areas of teaching and research expertise include dispute resolution, family law and domestic violence, lawyer and law student well-being and legal education, and she is adept at facilitating focus groups and network events. She founded the Australian Wellness Network for Law in 2010 and co-founded the ADR Research Network (in 2012) as well as the annual STARS conference (2015) (a conference about student success in higher education). She has co-authored the Wiley text *The New Lawyer* and through her research and leadership experience has in-depth knowledge of the challenges faced by newly admitted lawyers.



**Tanya Atwill (Chief Investigator)**

Tanya Atwill is the Director of the Bond University Faculty of Law's GDLP (PLT) Program. She is an executive member of the Australian Professional Legal Education Council (APLEC) whose members include Heads of Practical Legal Training Courses from each state and territory as well as New Zealand, Papua New Guinea and Hong Kong. Tanya has presented numerous papers including at the Wellness for Law Network, the Queensland Law Society Symposium and at Bond University Office of Learning and Teaching Symposiums. She has strong networking ties with the legal community and has experience in conducting focus groups, polls and other means of data collection, and extensive knowledge of the competency standards for PLT and requirements for academic legal knowledge required for admission to the legal profession in Queensland. Tanya is also a practising solicitor, admitted to practice in the Supreme Court of Queensland and the High Court of Australia.

**Research Assistants:**

Winnie Zhang; Gaelle Brotto; Kana Nakano.

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## 2.2 RESEARCH DESIGN AND METHODOLOGY

The Bond research team used both quantitative and qualitative research methods to collect data from legal professionals in Queensland. These methods involved conducting an online survey as well as focus groups. The online surveys were firstly analysed using quantitative methods (i.e., statistical analysis) and qualitative methods (i.e., identifying recurrent themes based on participant comments) by way of NVivo software analysis and further desktop analysis. Thereafter, the focus group transcripts were analysed using NVivo software analysis and desktop analysis, to further inform and triangulate the data obtained through the surveys. Additionally, a comprehensive literature and regulatory review was undertaken to contextualise and consider how the identified emerging themes and research data related to current trends. This resulted in the final report and the recommendations provided below.

Ethics approval for the project was obtained from the Bond University Human Research Ethics Research Committee (BUHREC) and data was securely stored in accordance with Bond University data management protocol.

A brief description of the research phases follows below:

### Phase 1

The Bond research team created and distributed an online survey in respect of the skills and competencies expected of newly admitted solicitors to approximately 12,600 Queensland Law Society practitioner members, resulting in approximately 1,300 responses. Both quantitative and qualitative data was obtained from the survey results.

Around 500 participants in the survey provided qualitative feedback in the form of comments, which is about 39% of total respondents; however, taking into account that only 750 participants fully completed the survey this figure is around 67% of respondents.

### Phase 2

After conclusion of the survey the Bond research team conducted focus groups with legal practitioners to ascertain their experiences and perceptions of law graduates' and entry level lawyers' preparedness for legal practice. Twenty-seven participants attended five focus groups held with different demographic groups in the profession: Early Career Lawyers (0-5 years), Career Builders (6-12 years), Secure Achievers (13-20 years), Pinnacle Practitioners (21+ years) and Mixed Years of Experience. Supplementing the online survey data, the qualitative data obtained in the focus groups illuminated and

expanded on the observations made by practitioners in the survey responses, allowing the research team to gain further insight into the views of Queensland legal professionals.

### Phase 3

Using both qualitative and quantitative research methods the Bond research team analysed the data gathered in the survey and focus groups, identified emerging themes, and performed a gap analysis between the information gathered in the previous phases with the competency standards for practical legal training and requirements for academic legal knowledge required for admission to the legal profession in Queensland. In addition, the research team analysed academic literature and regulation in other local and international jurisdictions to track similar trends and to consider the impact of industry disrupters such as cultural and technological changes.

### Phase 4

Based on the research analysis and findings, the Bond research team developed suggestions and recommendations to respond to the identified gaps in skills and competencies, which may be considered for implementation at university and practical legal training levels as well as continuing professional development.

*‘If there’s one message that I would like to convey to graduates, it’s that, you don’t have to always be right. You don’t have to be perfect at everything, lawyers do make mistakes and that’s okay. And just to be open to feedback ....’*

## 3. RESEARCH RESULTS

Below follows a brief overview of:

- the online survey results, distinguishing between quantitative and qualitative responses, and identifying highlights and common themes; and
- a discussion of the focus group results to further illuminate the qualitative survey results.

### 3.1 ONLINE SURVEY

#### The Survey Instrument

The survey instrument was targeted at members of the Queensland Law Society, testing their perceptions of skills levels of law graduates and newly admitted lawyers. The anonymous survey was created after in-depth consultation with the QLS and stakeholder groups by the Bond University research team, who hold specialist knowledge in the various data collection methods employed during the study. The survey questions were primarily based on the Law Council's prescribed academic areas of knowledge and the PLT competency standards for entry-level lawyers, and further informed by industry feedback from the profession.

The survey was generated using Qualtrics software and was open from 5th October 2021 to 1st April 2022, resulting in a total number of 1,300 participants. The data was exported into IBM SPSS Statistics (Version 28.0.0) for quantitative analysis; and NVivo software for qualitative analysis.

A copy of the online survey is available in the **Appendix** to this Report.

Participants were asked to report their experiences of law graduates and entry level solicitors over nine sections of outlined values, skills and capabilities, reflecting their perceptions of competence in the practice of law. The available responses to the questions within these classifications were preceded by the question:

***“In your experience, to what extent do law graduates and entry level solicitors starting in private legal practice demonstrate competence to an acceptable standard in the following areas?”***

The areas were then listed and labelled on a Likert scale with a range of 0-4 options of increasing competence (“the competency scale”), where:

0 = Never	1 = Rarely	2 = Sometimes	3 = Often	4 = Always
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#### List of competencies

**Sections 1-9** of the survey investigated the extent of competence in multiple skills, listed under the following categories:

- Section 1: Core Values
- Section 2: Lawyer's Skills
- Section 3: Problem Solving Skills
- Section 4: Work Management and Business Skills
- Section 5: Trust and Office Accounting
- Section 6: People Skills and Self Development
- Section 7: Client Management Skills
- Section 8: Personal Skills



➤ Section 9: Technological Skills

These categories were drawn from the *PLT Competency Standards for Entry-Level Lawyers* with additional categories suggested by the profession as shown in the table below. Note that the table below is not a list of all the competencies contained in the PLT Standards; only those skills examined in the research undertaken. The other elements in the Standards cover the Compulsory Practice Areas (Civil Litigation Practice; Commercial and Corporate Practice; Property Law Practice) and Optional Practice Areas known as Electives (Administrative Law Practice; Banking and Finance; Criminal Law Practice; Consumer Law Practice; Employment and Industrial Relations Practice; Family Law Practice; Planning and Environmental Law Practice; Wills and Estate Practice).

**Table 1: List of Survey Questions**

<b>Skills</b>	<b>Questions in Survey</b>	<b>PLT Competency Standards Elements</b> The relevant competence an applicant for admission needs to demonstrate	<b>Additional Skills</b> Identified by the profession as a relevant value or skill
<b>Section 1: Core Values</b>	<ul style="list-style-type: none"> <li>- Displays professional and ethical decision-making</li> <li>- Displays integrity, honesty and trustworthiness</li> <li>- Commitment to community service and the public good</li> <li>- Commitment to guard and advocate the rule of law</li> <li>- Knows when to raise ethical problems with others</li> <li>- Complies with fiduciary duties</li> <li>- Identifies and avoids conflicts of interest</li> </ul>	<b>Value - Element 5.8 Ethics and Professional Responsibility</b> <ol style="list-style-type: none"> <li>1. Acting ethically</li> <li>2. Knowing when to raise ethical problems with others</li> <li>3. Discharging the legal duties and obligations of legal practitioners</li> <li>4. Complying with professional conduct rules</li> <li>5. Complying with fiduciary duties</li> <li>6. Avoiding conflicts of interest</li> <li>7. Acting courteously</li> <li>8. Complying with the rules of fees</li> <li>9. Being aware of the importance of pro bono contributions</li> </ol>	<ul style="list-style-type: none"> <li>- Displays integrity, honesty and trustworthiness</li> <li>- Commitment to community service and the public good</li> <li>- Commitment to guard and advocate the rule of law</li> </ul>
<b>Section 2: Lawyer's Skills</b>	<ul style="list-style-type: none"> <li>- Effective written communication in plain English</li> <li>- Drafting quality legal letters, advices and other documents</li> <li>- Dispute resolution skills including negotiation, mediation, facilitation and conciliation</li> <li>- Developed legal research and fact gathering skills</li> <li>- Legal competency, expertise and knowledge of the law</li> <li>- Diverse cultural knowledge and sensitivity</li> </ul>	<b>Element 5.10 Lawyer's skills</b> <ol style="list-style-type: none"> <li>1. Communicating effectively</li> <li>2. Cross-cultural awareness</li> <li>3. Interviewing clients</li> <li>4. Writing letters</li> <li>5. Drafting other documents</li> <li>6. Negotiating settlements and agreements</li> <li>7. Facilitating early resolution of disputes</li> <li>8. Representing a client in a legal forum</li> </ol>	<ul style="list-style-type: none"> <li>- Legal competency, expertise and knowledge of the law</li> </ul>
	<ul style="list-style-type: none"> <li>- Shows good judgement and common sense in solving problems</li> </ul>	<b>Element 5.12 Problem Solving</b>	

Skills	Questions in Survey	PLT Competency Standards Elements The relevant competence an applicant for admission needs to demonstrate	Additional Skills Identified by the profession as a relevant value or skill
<b>Section 3: Problem Solving Skills</b>	<ul style="list-style-type: none"> <li>- Generates strategies to implement solutions to problems</li> <li>- Legal analysis (can analyse facts, identify issues, apply the law and propose solutions)</li> </ul>	<ol style="list-style-type: none"> <li>1. <i>Analysing facts and identifying issues</i></li> <li>2. <i>Analysing law</i></li> <li>3. <i>Providing legal advice</i></li> <li>4. <i>Generating solutions and strategies</i></li> </ol>	
<b>Section 4: Work Management and Business Skills</b>	<ul style="list-style-type: none"> <li>- Can produce quality legal work in a timely and cost effective way</li> <li>- Understanding and managing risk in a legal matter</li> <li>- Accurate and informative recording of time</li> <li>- Ability to work cooperatively</li> <li>- Keeps supervisors informed</li> <li>- Commercial acumen and ability to understand basic financial accounts</li> <li>- Demonstrates interest in business and financial arrangements of clients</li> <li>- Ability to maintain strong work and team relationships</li> <li>- Ability to manage files</li> <li>- Self management (including resilience, wellbeing and stress management)</li> <li>- Ability to manage personal time (using diaries and identifying conflicting priorities)</li> <li>- Dedication to client service (including keeping clients informed)</li> <li>- An understanding of insurance (including the limitation of liability scheme)</li> </ul>	<b>Work Management and Business Skills</b> <ol style="list-style-type: none"> <li>1. Managing personal time</li> <li>2. Managing risk</li> <li>3. Managing files</li> <li>4. Keeping client informed</li> <li>5. Working cooperatively</li> <li>6. Self-management</li> </ol>	<ul style="list-style-type: none"> <li>- Keeps supervisors informed</li> <li>- Commercial acumen and ability to understand basic financial accounts</li> <li>- Demonstrates interest in business and financial arrangements of clients</li> <li>- Ability to maintain strong work and team relationships</li> <li>- An understanding of insurance (including the limitation of liability scheme)</li> </ul>
<b>Section 5: Trust and Office Accounting</b>	<ul style="list-style-type: none"> <li>- Understanding relevant fiduciary and other duties</li> <li>- Understanding obligations for receiving client money and making payments</li> <li>- Can render bills accurately</li> </ul>	<b>Element 5.14 Trust and Office Accounting</b> <ol style="list-style-type: none"> <li>1. <i>Understanding relevant fiduciary and other duties</i></li> <li>2. <i>Receiving money</i></li> <li>3. <i>Making outlays</i></li> <li>4. <i>Rendering costs</i></li> </ol>	<ul style="list-style-type: none"> <li>- Can render bills accurately</li> </ul>
<b>Section 6: People Skills and Self Development</b>	<ul style="list-style-type: none"> <li>- Can delegate, supervise and mentor others</li> <li>- Ability to manage online reputation and personal brand awareness (during and outside work hours)</li> <li>- Commitment to professional development toward excellence</li> </ul>		<ul style="list-style-type: none"> <li>- Can delegate, supervise and mentor others</li> <li>- Ability to manage online reputation and personal brand awareness (during and outside work hours)</li> <li>- Commitment to professional development toward excellence</li> </ul>

Skills	Questions in Survey	PLT Competency Standards Elements The relevant competence an applicant for admission needs to demonstrate	Additional Skills Identified by the profession as a relevant value or skill
	<ul style="list-style-type: none"> <li>- Seeks out feedback, is self-reflective and responsive to coaching</li> <li>- Develops and continuously implements a career plan</li> <li>- Stakeholder relationship management skills (e.g. interacting with senior members of the profession, supervisors, judiciary, and other professionals)</li> </ul>		<ul style="list-style-type: none"> <li>- Seeks out feedback, is self-reflective and responsive to coaching</li> <li>- Develops and continuously implements a career plan</li> <li>- Stakeholder relationship management skills (e.g. interacting with senior members of the profession, supervisors, judiciary, and other professionals)</li> </ul>
<b>Section 7: Client Management Skills</b>	<ul style="list-style-type: none"> <li>- Understanding the importance of networking through business development and marketing</li> <li>- Ability to retain clients by understanding their needs and being responsive</li> <li>- Ability to interview clients and take clear instructions</li> </ul>	From Lawyer's skills: - Interviewing clients	<ul style="list-style-type: none"> <li>- Understanding the importance of networking through business development and marketing</li> <li>- Ability to retain clients by understanding their needs and being responsive</li> <li>- Ability to interview clients and take clear instructions</li> </ul>
<b>Section 8: Personal Skills</b>	<ul style="list-style-type: none"> <li>- Possesses Initiative</li> <li>- An understanding of emotional intelligence</li> <li>- Self-awareness (of strengths and development areas) and ability to ask for help</li> <li>- Strategic, creative and innovative thinking</li> <li>- Demonstrates a strong work ethic</li> <li>- Ability to work independently</li> <li>- Is reliable and inspires confidence in abilities</li> </ul>		<ul style="list-style-type: none"> <li>- Possesses Initiative</li> <li>- An understanding of emotional intelligence</li> <li>- Self-awareness (of strengths and development areas) and ability to ask for help</li> <li>- Strategic, creative and innovative thinking</li> <li>- Demonstrates a strong work ethic</li> <li>- Ability to work independently</li> <li>- Is reliable and inspires confidence in abilities</li> </ul>
<b>Section 9: Technological Skills</b>	<ul style="list-style-type: none"> <li>- An understanding of the benefits and use of technology</li> <li>- Ability to assess the integrity of documents and data (data analytics and forensics)</li> <li>- An understanding of the risks of technology including cybersecurity</li> </ul>		<ul style="list-style-type: none"> <li>- An understanding of the benefits and use of technology</li> <li>- Ability to assess the integrity of documents and data (data analytics and forensics)</li> <li>- An understanding of the risks of technology including cybersecurity</li> </ul>
<b>General Skills Questions</b>			
<b>Section 10</b>	Examined whether law graduates and entry level solicitors in private practice have the foundational understanding of substantive law areas relevant to practice.		
<b>Section 11</b>	Questioned whether they are equipped with necessary skills for entering private practice		
<b>Sections 12 and 13</b>	Considered if the participants' firms engaged in training and whether the participants directly supervised law graduates and entry-level solicitors.		

The survey results were presented to the QLS in an Executive Summary of Responses.

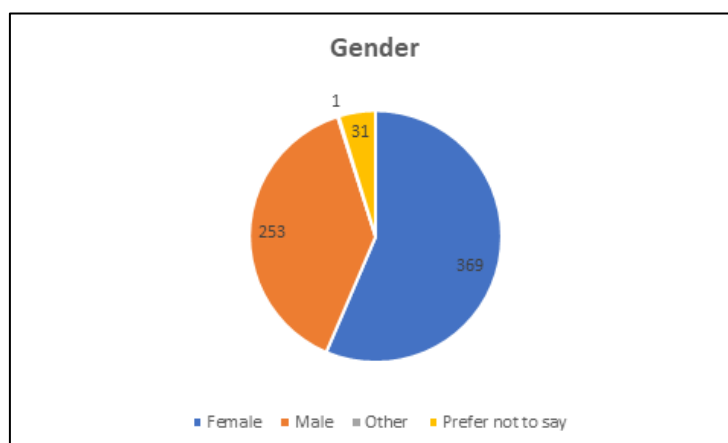
In the detailed breakdown of the results, histogram graphs were utilised to visually assess and compare data alongside tables of the analysis figures. The analyses of the results included the number of responses per question, number of responses per response option, the corresponding percentage, the average response per question, mode (as the most common response), and mean (as the average response).

An overview of the demographics and quantitative and qualitative survey results follows below.

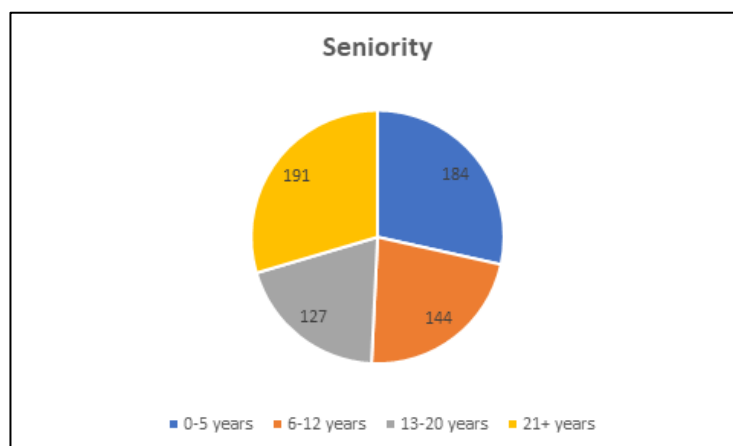
## 3.1.1 DEMOGRAPHICS

The following demographics were collected in the anonymous online survey: Gender; Seniority (number of years in the profession); Type of Organisation; and Location of Participants. A breakdown of the number of responses is depicted below. It should be noted that not all survey participants chose to complete the demographics section of the survey, and there were also differences in the number of responses to the demographics. For example, 653 respondents answered the Gender and Type of Organisation questions; 646 noted their Seniority; and 575 shared their location. General observations on these demographics follow below the pie charts depicting the results.

**Figure 1: Demographics - Gender**

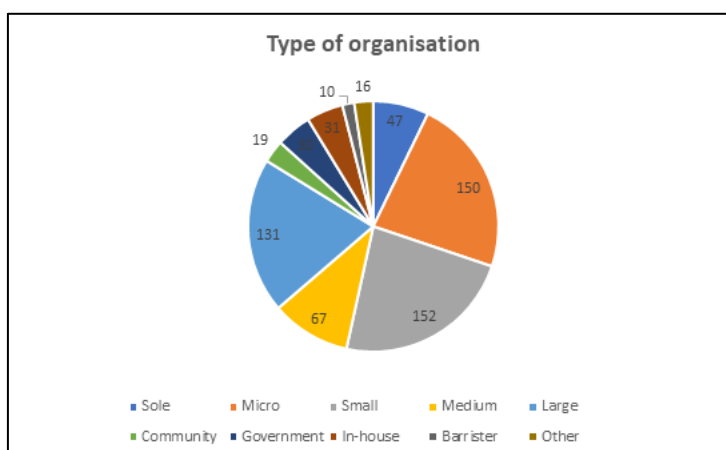


This data reflects respondents who completed this metric. The demographic data reflects an 18% higher participation rate by female participants as opposed to male participants who completed this metric.

**Figure 2: Demographics - Seniority**

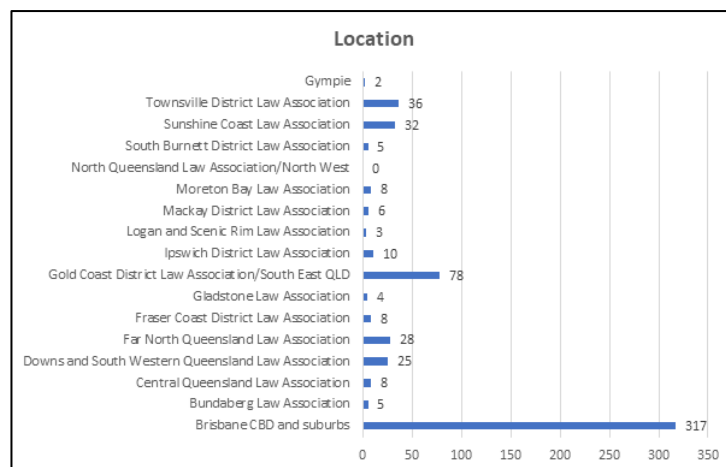
This data reflects respondents who completed this metric. Most survey responses for this metric were from Pinnacle Practitioners (21+ years), followed closely by Early Career Lawyers (0-5 years), with the lowest response rate from Secure Achievers (13-20 years).

The Secure Achievers consistently held the lowest view in relation to the sections 1-9 of the survey as well as the two overall questions about substantive law and skills (sections 10 and 11). Their view was more negative than those of the Pinnacle Practitioners.

**Figure 3: Demographics – Type of Organisation**

This data reflects respondents who completed this metric. The majority of participants came from small firms (6 to 19 practitioners) and micro firms (2 to 5 practitioners) with a total of 302 participants. More than half of all participants were either sole practitioners, or from micro firms and small firms, while approximately 20% were from large firms.

Overall, sole practitioners responding to this question held significantly more pessimistic views on almost all dimensions in comparison with the other groups.

**Figure 4: Demographics – Location of Participants (by Postcode)**

It is worth noting here again that not all survey respondents completed the demographic information. This data reflects respondents who completed this metric. Perhaps unsurprisingly, approximately 55% of participants were from Brisbane CBD and suburbs, with the second highest number from the Gold Coast/South-East Queensland area, followed by Townsville and the Sunshine Coast. No responses were received from North/North-West Queensland to this question.

## 3.1.2 QUANTITATIVE SURVEY RESULTS

As noted, the survey consisted of nine sections relating to skills, and four further sections measuring respondents' perceptions of: foundational understanding of substantive law areas; equipment with necessary skills; in-house training; and supervision.

Broadly, of the nine skills categories surveyed, three areas ("Core Values", "Personal Skills" and "Technological Skills") reflected an overall positive view by respondents, while six categories reflected an average view of competency.

### Initial Insights Emerging from the Quantitative Data

- When viewed in more detail with reference to individual skills, there were some variations in the levels of competency noted by respondents. For example, although the "Lawyer's Skills" category overall reflected a "average view of competency" in the survey data, four of the nine competencies reflected perceptions of below average competency levels (i.e. lower than 2/4 on the competency scale).
- It should also be noted that the response numbers varied in respect of different competencies. For example, some competencies under "Core Values", such as "Displays integrity, honesty and trustworthiness" attracted a high response rate of 888 responses, while other competencies under "People skills and self development", such as "Can delegate, supervise and mentor others" attracted only 590 responses. The response rate for each category is mentioned below.
- Overall, there were no significant differences in responses when viewed by gender.
- Nor were there any significant differences in responses when viewed by postcode, although it is relevant to note that some regional postcodes had a low response rate.
- Significantly, in response to the pivotal question (Section 11) **"Overall, are law graduates and entry level solicitors equipped with the necessary skills for entering private practice?"** it was evident that most respondents (more than 80%) from all cohorts (0-5 years, 6-12 years, 13-20 years and 21+ years) thought that law graduates and entry level solicitors were "not yet equipped" with the necessary skills for entering private practice.
- Of the various firm types, sole practitioners had the most pessimistic view, while large firms displayed relative confidence in law graduates and entry level solicitors being equipped with the necessary skills for entering private practice. Sole practitioners also displayed a significantly more pessimistic view of law graduates and entry level



solicitors' foundational understanding of substantive law areas relevant to practice in comparison with most of the other groups.

- In terms of cohorts grouped by seniority, early career lawyers had a significantly more positive view of law graduates and entry level solicitors' foundational understanding of substantive law areas relevant to practice, as opposed to other cohorts.

An overview of the survey results in the nine skills categories and four general questions is provided below, based on the quantitative survey results. In providing this overview, the average score out of a possible 4 (mean) on the Likert scale as well as the most common response (mode), were taken into account.

## Summary of Quantitative Survey Results (Sections 1-9)

### Section 1: Core Values

Seven competencies were listed in this category. Response rates ranged from 845-888 respondents in this category.

Overall, the responses in this category reflected a positive view of competency, with an **average score of 2.5 out of a possible 4** on the competency scale.

Of the competencies listed in this category, the most positive response was in respect of the core value, "Displays integrity, honesty and trustworthiness," reflecting a score of 3/4. The most common response (mode) for this core value was "often", cited by over 53% of participants.

All core values scored above average on the competency scale, between 2-3/4.

Most respondents thought that entry level solicitors "often" demonstrated the core values "Displays professional and ethical decision making" and "Complies with fiduciary duties". However, in relation to the other four core values ("Commitment to community service and the public good", "Commitment to guard and advocate the rule of law", "Knows when to raise ethical problems with others" and "Identifies and avoids conflicts of interest") the most common response was "sometimes", which may reflect some doubt as to whether entry level solicitors demonstrate those core skills adequately.

The overall positive score in this category signals a positive view about entry level solicitors' core values in general.

### Section 2: Lawyer's Skills

Six competencies were listed in this category. Response rates ranged from 765-828 respondents in this category.

Overall, the responses in this category can be regarded as an average view of early career lawyers' competency in lawyer's skills, with an **average score of just under 2 out of a possible 4** on the competency scale.

Of the competencies listed in this category, the most positive response was in respect of "Developed legal research and fact gathering skills" with a score of 2.6/4. This skill also elicited the most positive common response, with 42.5% of participants choosing "often" on the competency scale.

In comparison, the lowest score of 1.4/4 in this category was reported in respect of "Dispute resolution skills", with nearly 57% of respondents holding the view that early career lawyers "rarely" demonstrated competence to an acceptable standard in this skill, indicating a perceived lack of competency in this skill by most respondents. The second lowest average of 1.7/4 was reported in respect of "Drafting quality legal letters, advices and other documents," with just over 44% of respondents holding the view that early career lawyers "rarely" demonstrated an acceptable standard of competency in these skills.

The overall average to below average scores in this category may signal concerns about entry level solicitors' lawyer's skills in general.

### Section 3: Problem Solving Skills

Three competencies were listed in this category. Response rates ranged from 778-798 respondents in this category.

Overall, the responses in this category reflected an average view of competency, with an **average score of just under 2 out of a possible 4** on the competency scale.

The most positive response in this category was in relation to the skill “Legal analysis” with a score of just over 2/4.

The lowest average of approximately 1.7/4 was reported in respect of the attribute, “Generates strategies to implement solutions to problems”, indicating that respondents perceived a lack of strategic thinking in problem solving by entry level solicitors.

The most common response to all three competencies was “sometimes”, the option chosen by 40-50% of respondents. This result may be seen to denote uncertainty in respondents’ perception of entry level lawyers’ competency in problem solving skills.

#### Section 4: Work Management and Business Skills

Thirteen competencies were listed in this category. Response rates ranged from 623-755 respondents in this category.

Overall, the responses in this category reflected an average view of competency, with an **average score of just under 2 out of a possible 4** on the competency scale.

The most positive result in this category was in respect of “Ability to work cooperatively” with an average score of 2.76/4, indicating a relatively strong perception of entry level lawyers’ ability to work cooperatively in private practice. This was also reflected in the most common response to this question, with just over 52% of respondents choosing “often” on the competency scale. The second highest score was in relation to “Ability to maintain strong work and team relationships” (2.67/4), with 45% of respondents choosing “often” to describe entry level solicitors’ perceived competency in this attribute.

Conversely, the lowest scores were in respect of “An understanding of insurance” (1.25/4) and “Commercial acumen and ability to understand basic financial accounts” (1.4/4). More than 55% of respondents chose the “rarely” option here, indicating a perceived lack of competency in these areas.

#### Section 5: Trust and Office Accounting

Three competencies were listed in this category. Response rates ranged from 601-630 respondents in this category.

Overall, the responses in this category reflected an average view of competency, with an **average score of 1.7 out of a possible 4** on the competency scale.

Whilst all three competencies scored around the 1.7 mark, the highest score was 1.79/4 in respect of “Understanding obligations for receiving client money and making payments” and the lowest for “Can render bills accurately”, with a score of 1.65/5.

Significantly, the most common response to all three competencies was “rarely”. This viewpoint indicates an overall lack of confidence by respondents in entry level lawyers’ skill set in respect of trust and office accounting.

#### Section 6: People Skills and Self Development

Six competencies were listed in this category. Response rates ranged from 590-695 respondents in this category.

Overall, the responses in this category reflected an average view of competency, with an **average score of just over 2 out of a possible 4** on the competency scale.

The most positive response in this category was in respect of “Commitment to professional development towards excellence” with an average score of just under 2.5/4. This positive view was also reflected in the fact that 36% of respondents indicated that entry level solicitors “often” demonstrated acceptable levels of competence in this skill. In relation to the competency “Seeks out feedback, is self-reflective and responsive to coaching” the score was slightly lower (2.4/4), with the most common response being “sometimes” (37%). These scores indicate a willingness on the part of entry level lawyers to engage in professional development and a responsiveness to supervisor feedback and mentoring.

As may be expected, a lower skills perception was demonstrated in the area of “Stakeholder relationship management skills” with an average score of 2/4. A significantly lower skills perception was recorded in the attribute “Can delegate, supervise

and mentor others”, with a score of 1.3/4, and the “rarely” option chosen by nearly 52% of respondents. This is hardly surprising, given the early career status of entry level lawyers.

More importantly, in the current context, is the positive attitude being displayed about entry level lawyers’ willingness to learn, improve and accept feedback.

### Section 7: Client Management Skills

Three competencies were listed in this category. Response rates ranged from 647-652 respondents in this category.

Overall, the responses in this category reflected an average view of competency, with an **average score of just under 2 out of a possible 4** on the competency scale.

The most positive result in this category was in respect of “Understanding the importance of networking through business development and marketing” with a slightly above average score of 2.2/4.

The most negative result was a score of 1.8/4 in “Ability to interview clients and take clear instructions”, reflecting some concern on the part of respondents about entry level lawyers’ competency in this area. Considering the importance of this foundational skill, it appears significant that this skill is regarded as below average in entry level lawyers. However, this may be mitigated by the fact that most respondents thought that entry level lawyers “sometimes” demonstrated an acceptable standard of competency in this skill.

The overall average to below average scores in this category may signal concerns about entry level lawyers’ client management skills in general.

### Section 8: Personal Skills

Seven competencies were listed in this category. Response rates ranged from 643-666 respondents in this category.

Overall, the responses in this category reflected a positive view of competency, with an **average score of just over 2 out of a possible 4** on the competency scale.

By far the most positive response in this category was in relation to the attribute “Demonstrates a strong work ethic”, with a score of 2.6/4. This was also reflected in the most common response to this question, with just over 40% of respondents choosing “often” on the competency scale, denoting respondents’ perception that entry level lawyers generally demonstrate an acceptable level of strong work ethics.

Most of the other skills listed in this category received an average score of between 2.1-2.2/4 on the competency scale.

However, “Strategic, creative and innovative thinking” received a score of just below 1.9/4, indicating some concern by respondents in relation to entry level lawyers’ competency in this area. This may be mitigated by the fact that most respondents thought that entry level lawyers “sometimes” demonstrated an acceptable standard of competency in this skill.

The overall positive score in this category signals a positive view about entry level solicitors’ personal skills in general.

### Section 9: Technological Skills

Three competencies were listed in this category. Response rates ranged from 629-667 respondents in this category.

Overall, the responses in this category reflected a positive view of competency, with an **average score of nearly 2.7 out of a possible 4** on the competency scale.

The most positive response in this category was in respect of “An understanding of the benefits and use of technology” with a score of 3.2/4. This positive view was also reflected in the fact that 47% of respondents indicated that entry level solicitors “often” demonstrated acceptable levels of competence in these skills.

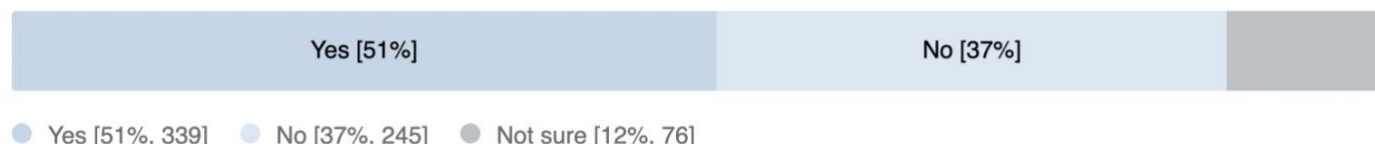
All core values in this category scored above average on the competency scale, between 2.2-3.2/4, signalling a positive view about entry level solicitors’ technological skills in general.

### Foundational Understanding of Law (Section 10)

In response to the question in Section 10: ***“Do law graduates and entry level solicitors in private practice have foundational understanding of substantive law areas relevant to practice?”*** 660 responses were received.

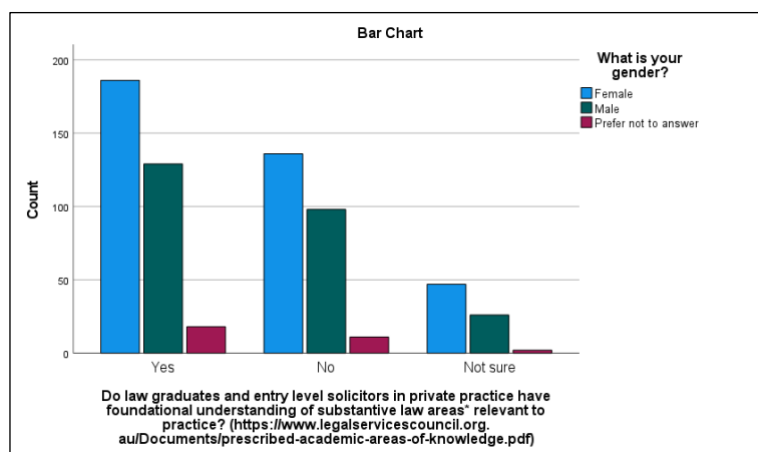
Just over 51 % of respondents answered “yes”, approximately 37% answered “no”, and nearly 12 % answered “not sure”. While it is positive that more than half of the respondents had a positive view about law graduates and entry level solicitors having a foundational understanding of substantive law areas relevant to practice, it is of some concern that the other half of respondents were either negative or unsure.

**Figure 5: Visualisation Bar for “Do law graduates and entry level solicitors in private practice have foundational understanding of substantive law areas relevant to practice?”**



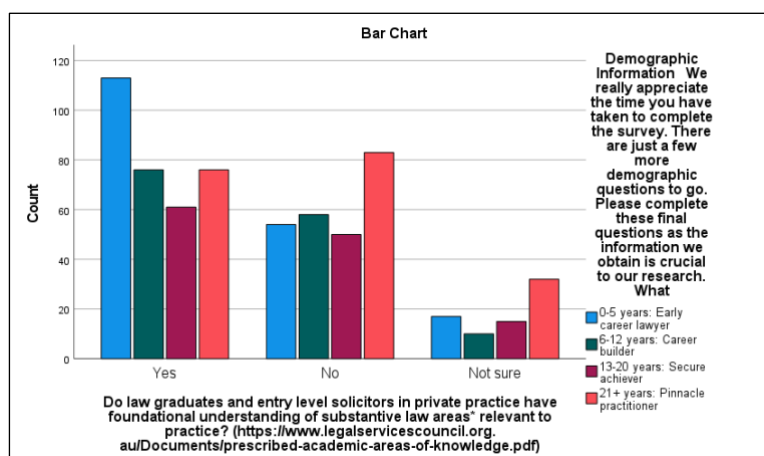
Responses to this question based on demographics are depicted below in bar chart format. Qualitative responses are discussed in the Qualitative Survey Results which follow in the next section.

**Figure 6: Foundational understanding – Gender**



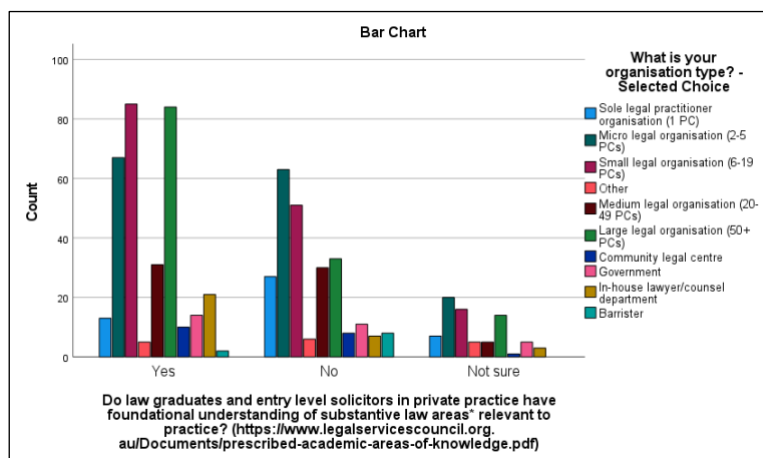
There were no apparent gender differences in terms of opinions.

**Figure 7: Foundational understanding - Seniority**



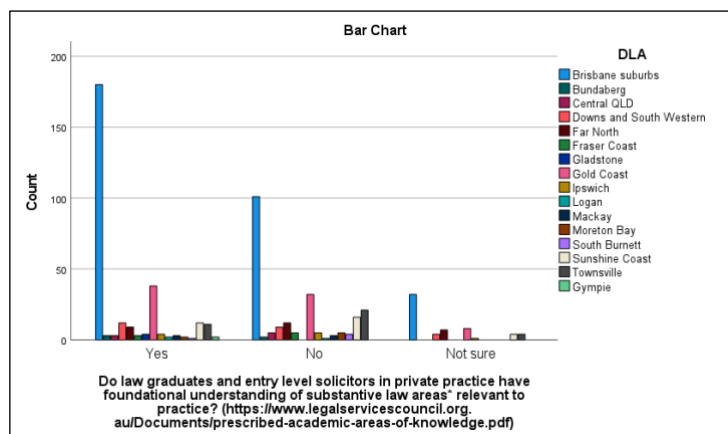
It is apparent from the graph that early career lawyers had a significantly more positive view of law graduates and entry level solicitors' foundational understanding of substantive law areas relevant to practice, as opposed to other cohorts.

**Figure 8: Foundational understanding - Type of organisation**



Overall, sole practitioners displayed a significantly more pessimistic view of law graduates and entry level solicitors' foundational understanding of substantive law areas relevant to practice in comparison with most of the other groups.

**Figure 9: Foundational understanding – Postcodes**



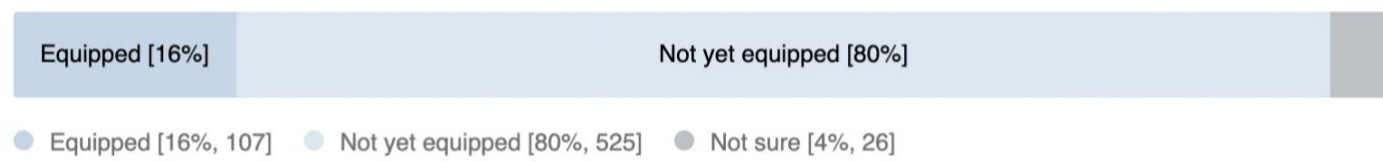
Overall, there were no significant differences in opinions regarding postcodes. However, some regional areas had very low response rates.

### Equipment of Skills (Section 11)

In response to the pivotal question in Section 10: Equipment of Skills: ***“Overall, are law graduates and entry level solicitors equipped with the necessary skills for entering private practice?”*** 658 responses were received.

It is of concern that approximately 80% of respondents thought that law graduates and entry level solicitors were “not yet equipped” with the necessary skills for entering private practice. Around 16% thought they were “equipped” and 4% were unsure.

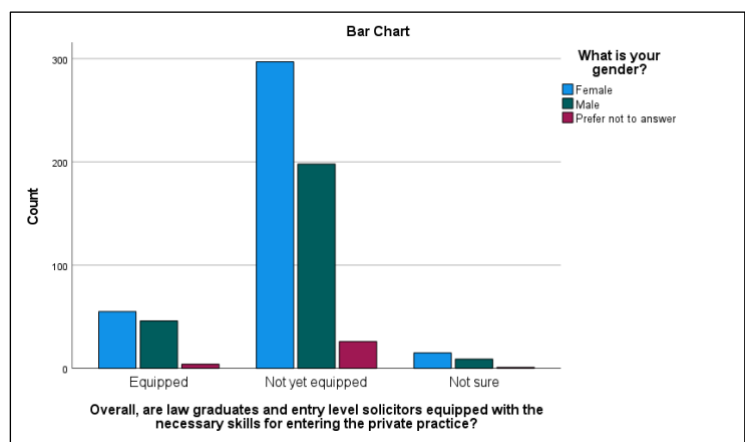
**Figure 10: Visualisation Bar for “Overall, are law graduates and entry level solicitors equipped with the necessary skills for entering private practice?”**



Responses based on demographics are depicted below in bar chart format.

The qualitative responses are discussed in the Qualitative Survey Results which follow in the next section.

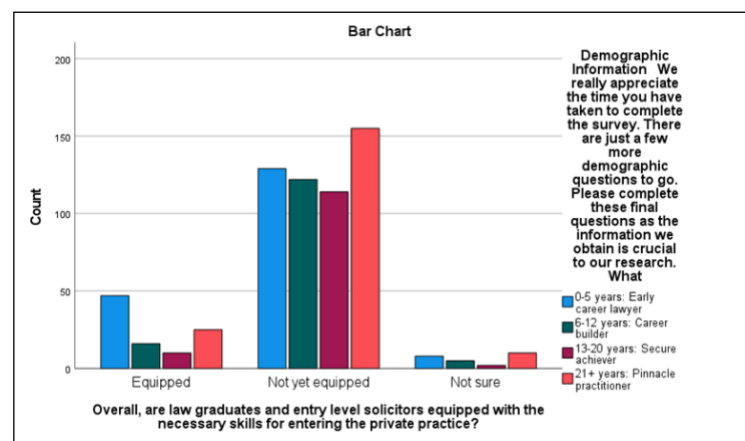
**Figure 11: Gender**



There were no apparent gender differences in terms of opinions.

**Figure 12: Seniority**

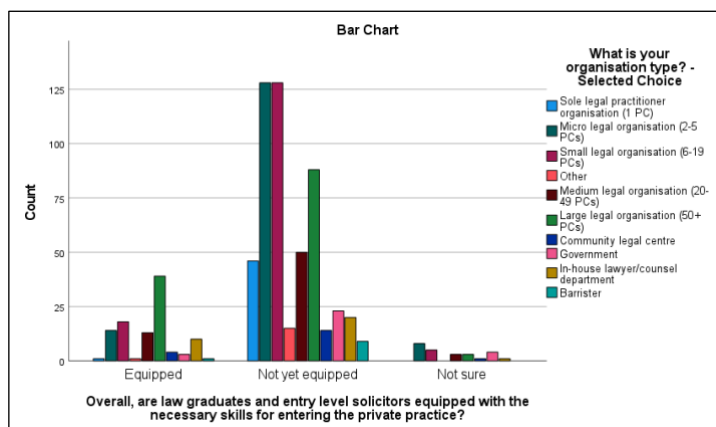
Significantly, it was evident that approximately 80% of respondents across all cohorts thought that law graduates and entry level solicitors were “not yet equipped” with the necessary skills for entering private practice.



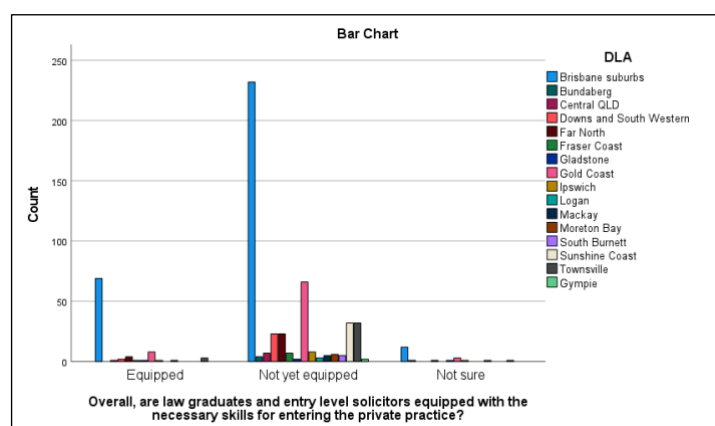


**Figure 13: Type of Organisation**

Of the various firm types, sole practitioners had the most pessimistic view, while large firms displayed relative confidence in law graduates and entry level solicitors being equipped with the necessary skills for entering private practice. However, respondents from all types of organisations overwhelmingly indicated that law graduates and entry level solicitors were “not yet equipped” with the necessary skills for entering private practice.

**Figure 14: Postcodes**

Overall, there were no significant differences in opinions regarding postcodes. However, some regional areas had very low response rates.



## Training and Supervision of Law Graduates and Entry Level Solicitors

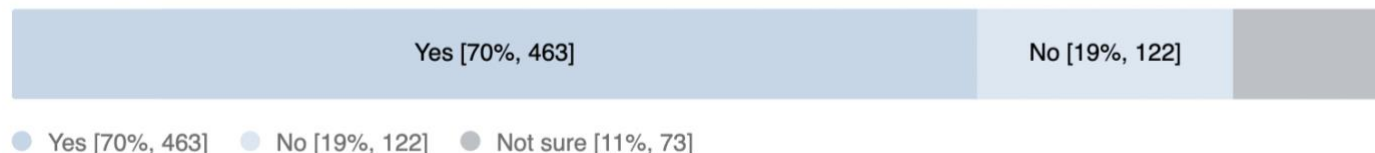
A brief overview of the data collected in relation to training and supervision of law graduates and entry level solicitors follows below. The relevant qualitative responses are discussed in the Qualitative Survey Results which follow in the next section.

### Section 12: Training to Address Gaps in Skill Set

In response to the Section 12 question: ***“Does your firm engage in training of law graduates and entry level solicitors to address any gaps in their skill sets coming from legal education”*** 658 responses were received.

Nearly 71% of respondents answered “yes”; approximately 18% answered “no” and 11 % answered “not sure”. While it is positive that approximately 70% of law firms engage in training, it is of some concern that 11% were unsure about whether their firm was engaged in training of law graduates and entry level solicitors, pointing to a lack of communication within law firms.

**Figure 15: Visualisation Bar for “Does your firm engage in training of law graduates and entry level solicitors to address any gaps in their skill sets coming from legal education”**



### Section 13: Supervision of Law Graduates and Entry Level Solicitors

In response to the Section 13 question: **“Do you directly supervise law graduates and entry level solicitors?”** 653 responses were received.

Nearly 65% of respondents answered “yes” while 35% answered “no” to this question, indicating that nearly two thirds of respondents were involved in supervision of law graduates and entry level solicitors.

**Figure 16: Visualisation Bar for “Do you directly supervise law graduates and entry level solicitors?”**



## 3.1.3 QUALITATIVE SURVEY RESULTS

Unlike the quantitative data referred to above (which involves the collection of information as numbers to measure responses in a survey), qualitative data involves the collection of information as language to examine opinions. Qualitative survey data based on the comments made by respondents was exported into NVivo software for qualitative analysis. A desktop analysis was then conducted by the Bond research team to identify the most relevant comments in relation to the competencies listed and to identify emerging themes from respondents’ comments. In addition, comments not directly covered in the list of competencies were identified, analysed, and incorporated in the summary.

The qualitative survey results address the following questions:

- ***Are there any skills missing from the previous list of competencies? If so, please identify those skills.***
- ***What reforms, if any, are required to the formal education requirements of law graduates and entry level solicitors to better align skill sets with your expectations?***
- ***Does your firm engage in training of law graduates and entry level solicitors to address any gaps in their skill sets coming from legal education? If training is provided, what is the nature of the training?***

### Limitations

It is worth noting that these comments do not necessarily reflect the majority views of the legal profession in Queensland and are provided as a sample of comments made by survey respondents who chose to provide responses to these questions. Further, as the first question is framed in the negative, referring to “missing skills”, the responses listed here are not indicative of the general skill set of law graduates and entry level solicitors. Comments and suggestions for reform are

indicative of the perceptions of specific survey respondents and not the profession as a whole. However, they provide a valuable snapshot of general trends and concerns within the profession.

## A. MISSING SKILLS AND SUGGESTED REFORMS

Below follows an overview and examples of comments extracted from the survey responses. The results for the first two questions are presented under the skills categories mentioned above, providing a snapshot of respondents' comments related to missing skills and suggested reforms.

### Section 1: Core Values

#### Professional and ethical decision-making

Missing Skills
As noted in the quantitative data results, more than 52% of respondents thought that law graduates and entry level solicitors "often" or "always" demonstrated competence to an acceptable standard in professional and ethical decision making. Nevertheless, there were some comments in the qualitative data results about missing skills in ethical decision making, for example:
<ul style="list-style-type: none"> <li>Core ethics skills eg understanding and identifying conflicts of interest and duties solicitors may face in practice and how to appropriately resolve them, understanding ethics of communications with the other side and the court.</li> <li>There need[s] to be greater focus on ethical/moral implications...</li> </ul>

Suggested Reforms
<ul style="list-style-type: none"> <li>More training in an office environment, more emphasis on ethics, court room experience and understanding how important their new job is and the role they will play in the community.</li> <li>law schools should expel anyone who does anything unethical- like cheating in papers, exams etc. They do not do this.</li> <li>Setting more academic legal problems in real work situations including ethical dilemmas.</li> <li>More practical and reality-based preparation for... dealing with ethical dilemmas thrust upon you by seniors.</li> <li>Further emphasis on real life examples, ethical dilemmas, risk and strategy concepts.</li> <li>Basically the training to be a competent ethical lawyer, how to write, interact with clients and other staff, recognise a problem and seek help etc.</li> </ul>

#### Knows when to raise ethical problems with others

Missing Skills
Related to ethical decision-making, there were only a few comments indicating concern about law graduates and entry level solicitors' ability to seek guidance when faced with ethical dilemmas. For example:
<ul style="list-style-type: none"> <li>They often don't possess a good appreciation of their own limitations. That is, they don't know when to seek help, or when they are straying beyond the limits of their knowledge and skills.</li> <li>Unaware as to who to ask if there is a problem.</li> </ul>

The lack of concern in this area may be as a result of many law firms undertaking ethics training with their law graduates and entry level lawyers, as reflected in the Training in Law Firms table below.

## Section 2: Lawyer's Skills

### Effective written communication in plain English

#### Missing Skills

Many respondents identified an inability of law graduates and entry level solicitors to communicate effectively in plain English. These concerns align with the quantitative survey results, which showed that approximately 74% of respondents thought that law graduates and entry level solicitors “sometimes” (45%), “rarely” (28%) or “never” (1%) demonstrated acceptable competence in effective written communication in plain English. Only approximately 26% thought that law graduates and entry level solicitors “often” (22%) or “always” (4%) demonstrated this skill. Some of the relevant comments are listed below.

- *Basic grammar has gone out the window. I often come across junior lawyers who do not know the difference between 'their', 'there' and 'they're' or to / too / two etc.*
- *Spelling, Grammar, Punctuation (which is too-often lacking).*
- *Better written communication skills are required.*
- *Answering a question in plain English.*
- *Much stronger grasp of written communication skills is required.*
- *English language skills are regularly poor considering the amount of written advocacy etc. required...*
- *I don't see that they have enough practical experience and often lack proper writing skills both with grammar and spelling as well as testing the written word for possible differing interpretations.*
- *Don't seem to be able to read, write or articulate their ideas clearly. They are very sensitive and understanding but that does not get advice written or processes followed.*
- *Lack of ability to communicate effectively with clients either in writing or verbally.*
- *Completing essays does not assist learning skills to write letters to clients, other parties and courts, nor does it prepare us for drafting court documents.*
- *I find many graduates have poor letter writing skills in that their grammar, punctuation and spelling are significantly below the level I would expect of a lawyer.*
- *English language written and oral communication skills.*
- *I have found that graduate lawyers require significant assistance with their written and verbal communication skills.*
- *Quality of written work (I am finding over the years grammar, spelling and punctuation - basic skills - are declining).*
- *Drafting, written communication and negotiation skills seem to be deteriorating.*
- *Spelling, syntax and general grammar skills are lacking in the majority of PLT students and graduate lawyers in our practice. It is disappointing to spend significant time addressing these issues before beginning to provide feedback on the legal advice itself.*
- *Just pleased this is being considered. I have had graduates who can't spell or draft a one-line letter. It's not fair on them or the profession. This has to change.*

#### Suggested Reforms

- *A lot of university education is knowledge based rather than practical. Skills on writing an advice or client letters are underdeveloped.*
- *Teach them how to write!!!! Teach them the fundamentals of grammar and plain English.*

**Drafting quality legal letters, advices and other documents****Missing Skills**

Related to, and overlapping with the comments above on plain English writing, some respondents were concerned about the lack of practical skills in law graduates and entry level solicitors when drafting letters, agreements, advices and other documents and affidavits. These comments indicate that law graduates and entry level solicitors may need more guidance in this area.

These viewpoints are supported by the quantitative survey results which revealed that nearly 88% of respondents thought that law graduates and entry level solicitors “never” (3%), “rarely” (44%) or sometimes (41%) demonstrated competence to an acceptable standard in drafting quality legal letters, advices and other documents. Only 13% thought that they “often” (10%) or “always” (3%) demonstrated this skill. Some of the comments were:

- *Legal drafting skills are very poor. For example, few understand the purpose of common clauses, differences between a deed & agreement, or what execution clauses should look like.*
- *Some struggle to identify multitude of issues in a fact scenario and they definitely seem to find pleading causes of action and Affidavit drafting skills a challenge.*
- *Advice drafting skills (putting research into clear words for the client to understand).*
- *Mostly around the more practical areas of legal practice - including drafting documents, especially drafting legal advices. While there is a lot of focus in their education on researching legal issues / areas of law, there needs to be more focus on how to draft advices (in a commercial, plain language and unemotional way) but also the importance of understanding clients and how to research clients etc and also critical and strategic thinking.*

**Suggested Reforms**

- *A lot of basic practical skills could be taught earlier during uni in mock settings or role plays. E.g. how to take an affidavit.*
- *Law degrees should prepare students for real life legal tasks (e.g. explain the process of discovery, test them on filling out court forms, writing witnesses statements and affidavits, marking up contracts etc), on top of a solid theoretical and practical understanding of substantive areas of law.*
- *Make law an apprenticeship. I could tell you everything about the history of equity but close to nothing about how to draft/word an affidavit.*
- *Replace Exam and Essay questions with legal documents (e.g. letters of advice; filing documents such as affidavits; actual useful documents used by firms in practice.*
- *I believe that Junior Solicitors need to focus on more fundamental skills. They need to learn how to manage their billing, write effective letters, draft affidavits (this is a very fundamental skill that was not taught at university).*
- *Standards and performance expectations at university need to be raised - particularly in respect to written communication.*
- *Need to be taught how to write advices to clients rather than just responses to lecturers.*
- *More assessments based on written advices, client interviews, file management and everyday aspects of working in a firm.*
- *More core skills and I would expect that basic issues such as quality of written work will factor into grading of exams, etc. to improve the quality of written work*
- *There are limited courses on contractual drafting... and it would be great to see these options become available to students.*
- *Perhaps some drafting of contractual documents and written submissions in disputed matters as assessment tasks "built in" to substantive law subjects.*

**Dispute resolution skills****Missing Skills**

There was little mention of missing skills in this area. This is surprising given the quantitative survey results, where nearly 57% of respondents said law graduates and entry level solicitors “rarely” demonstrated competence to an acceptable standard in dispute resolution. A few respondents expressed concern about negotiation skills:

- *...negotiation skills seem to be deteriorating.*
- *Practical skills such as legal drafting and negotiation skills, effective communication with clients and other external stakeholders is lacking in most graduates.*

The lack of comments by respondents may indicate that they did not regard these skills as pivotal for law graduates and entry level solicitors.

**Suggested Reforms**

There were a number of suggestions about reform to better equip law graduates and entry level solicitors with dispute resolution or mediation skills:

- *They need to be shown documents eg trusts, contracts, pleadings etc. so they better understand how they work. They need to interview mock clients and conduct mock mediations (rather than moots).*
- *From a transactional perspective, I find that there are minimal university courses that prepare law graduates for the realities of being a transactional lawyer.*
- *There are limited courses on ...negotiation and it would be great to see these options become available to students.*
- *Should focus on practical tasks like...mediation/litigation (how you get from first meeting to dispute resolution to litigation if required).*

**Developed legal research and fact gathering skills****Missing Skills**

Some respondents felt that legal research and fact gathering skills were lacking in law graduates and entry level solicitors, while others acknowledged that they may have a strong foundation in research but lack practical skills, as the comments below reflect:

- *Better research and drafting skills.*
- *Better research skills, drafting skills and communication to seek guidance on how to perform the task better.*
- *Technical legal skills such as legal writing and practical research briefs.*
- *In my experience with graduates and entry level solicitors is that they have solid foundations in theory and research, yet actual practice skills are usually lacking. I have observed that students who have worked in a firm either before or during study in support roles such as secretaries are far more confident and effective once in a solicitor role.*
- *Lawyers who excel at research and are technically very proficient often lack in the 'business of law' the most.*
- *We find the research skills of graduates is very high, which is appreciated. But the trend towards more assignments and less exams has seen a drop off in problem solving skills.*



**Suggested Reforms**

- *Further focus on drafting skills in real time of what would be expected in practice should be considered. They are not usually given weeks to prepare a letter of advice with lots of time conducting research. They need to consider what is billable work to the client or self education.*
- *Simple guidance on the translation of legal research into client advice would be useful. Further, an understanding of what are common terms in a contract as well as common risk allocations would be beneficial.*
- *More focus on practical skills such as ... focussed research.*
- *More practical training and assessments better aligned with actual practice towards the end of the degree (similar to PLT) rather than all research assignments.*
- *More practical legal skills and research. Some institutions seem to offer a student placement subject. I think they need more. Some graduates have no idea when they hit the job market.*
- *The expectations that come with exams and content retention - more emphasis should be made on our ability to this laterally with the research skills and critical thinking that is often more necessary in the working field.*

**Legal competency, expertise and knowledge of the law****Missing Skills**

Many respondents perceived a lack of legal knowledge and application of knowledge by law graduates and entry level solicitors in practice. Many respondents provided detailed comments and suggestions, and expressed strong viewpoints. Some regarded skills such as problem solving and legal knowledge as the most important skills required from their graduates; most lamented the lack of practice-based knowledge which translated to a lack of competency. The comments aligned with the quantitative survey results which revealed that approximately 80% of respondents thought that law graduates and entry level solicitors “never” (1%), “rarely” (36%) or sometimes (43%) demonstrated competence to an acceptable standard in legal competency, expertise and knowledge of the law. Only 21% thought that they “often” (17%) or “always” (4%) demonstrated this skill.

Significantly, many comments reflected a perceived lack of practical skills. For example, the following missing skills and deficiencies were noted:

- *Knowledge of common/basic legal terminology & meanings.*
- *Having attention to detail. Understanding that detail is everything in legal practice.*
- *Life skills, legal knowledge & skills and risk management based on real-life, practical realities are sorely missing.*
- *Attention to detail & experience with what is involved behind the scenes is non-existent.*
- *A knowledge of and ability to apply basic legal principles.*
- *Ability to draw on knowledge learned at law school to identify relevant facts and issues in respect of key causes of action, such as breach of contract, negligence, misleading or deceptive conduct.*
- *Legal knowledge sufficient to stand as a foundation on which to identify and solve clients’ legal problems.*
- *The knowledge base of new graduates is less than adequate for today’s world. Need to go beyond the Priestley 11 to sustainability law for example.*
- *The variety of subjects now offered means graduates have knowledge of all sorts of laws, but often not the ones they need for practice (eg commercial law, insurance law, tax law).*
- *Any practical legal skills. They have theoretical knowledge but difficulty dealing with clients and problem solving.*
- *Legal knowledge sufficient to stand as a foundation on which to identify and solve clients’ legal problems.*
- *A lot of university education is knowledge based rather than practical.*
- *Lawyers coming into private practice need knowledge of laws in Australia generally. I encounter graduates who don’t know anything about commercial law, insurance law, tax law or employment law. Unless they plan to go into a very niche area to begin with (eg family law) all of these subjects they haven’t studied need to be taught in the workplace and this is incredibly time consuming.*
- *More practical knowledge and application.*

- *More practical knowledge eg: time recording, diary notes, drafting communications with clients (who are often lay people), conveyancing!*
- *...there is a limitation on their abilities to apply their theoretical knowledge to a practical task.*
- *For civil law most exams answers read: X is in breach of Y and the client is entitled to seek an injunction/sue for damages etc. there is no practical knowledge in what to do in real life. I had a client who just finished a law degree demand I get an injunction almost immediately. When I advised the costs/how long it would take she nearly fell off her chair.*
- *While theory is important, by the time a student graduates university and completes the PLT component, there is a lack of practical knowledge and skillset unless they have previously worked in a firm before or during their studies. There can be years in between study and practical application in a firm. Without the practical application and understanding a lot of the fundamentals that are taught while studying are forgotten or not completely understood when working as an entry level solicitor*
- *I'm not sure what has happened with legal education over the last 15-20 years but we have had a bunch of really ordinary to incompetent graduates and first year lawyers. So disappointing. Lovely people. No clue about basic legal concepts and need to be spoon fed. Don't seem to be able to read, write or articulate their ideas clearly. They are very sensitive and understanding but that does not get advice written or processes followed.*
- *Checking legislation or case law rather than relying on firm precedents - ie understanding why something is done.*
- *The practice of law takes hard work over a long period of time to obtain the necessary experience and skills, and unfortunately there are cohorts of graduates looking for employment without the necessary skills and practical experience to serve them in this endeavour.*

### Suggested Reforms

Consequently, there were many suggestions for reform:

- *Law schools do not appear to provide sufficiently rigorous training for law students which results in a significant gap between their knowledge/skill level and what is required by employers.*
- *A return to the basic units to include Succession Law, Tax Law in the compulsory units. Too many junior lawyers have no knowledge on Wills and Estates, or on Capital Gains Tax.*
- *Undergraduate degrees might place more importance on practical work. Attending an in class 'office' and running through a day to day. ...there needs to be a greater balance weighing towards practicality.*
- *Students should be equipped with the practical skills that are required from lawyers...*
- *This seems predicated on higher quality learning at uni and at a personal level to achieve better application of learned knowledge and on the job learning.*
- *Maintenance of knowledge and quality standards in university law schools.*
- *Most skills are refined in practice. University needs to provide broad set of exposure. For example, stunned that graduates can leave university without any stamp duty or tax knowledge. Personally preferred degree model where prescriptive 28 subjects of 32 model.*
- *Needs to be more practical throughout. To build an actual knowledge of what working in practice is like and what it requires. How to apply learnt knowledge from university in practice. Huge number of gaps in skill sets coming from legal education.*
- *Stop spoon feeding them and go back to proper testing of adequate knowledge of the law in fundamental areas like contract and tort.*
- *Supervision and further development is certainly required, some areas of law are simply not studied (such as Succession) except as a single unit often as an elective. Perhaps graduate study in an area of law, to further their knowledge rather than expecting skills being honed 'on the ground'. Additionally, analysis of the facts and devising a 'strategy' or next steps for a client and then formulating that into written advice the way that is expected in practice was not taught during university (undergraduate or postgraduate) - those things I learnt on the job which can impose on employers' time and resources.*
- *The universities seem to either prioritise theoretical knowledge or practical knowledge. A good lawyer should have both.*

- *They need to have a strong framework of core legal knowledge to build on, and to be better able to understand how practice relates to what they have learnt in their degree. Also, I think some of the subjects that dropped out of the requirements for admission of solicitors with the priestly 11 need to be put back - eg: succession law.*

### Advocacy and Court Skills

#### Missing Skills

Although not specifically listed as 'lawyer's skills', there were many comments about a perceived lack of advocacy and court skills in law graduates and entry level solicitors, with several respondents mentioning 'advocacy' as a missing skill. The large number of comments raise some concerns about law graduates and entry level solicitors' proficiency in advocacy and court skills. Examples of comments were as follows:

- *Advocacy - the skill of persuasive argument - fundamental tenant of law.*
- *Drafting of court documents, and knowledge required for appearances in court (i.e. instructing solicitor).*
- *Ability to attend court, make submissions and understand court protocol.*
- *Advocacy - confidence in appearing in court, firstly in relation to personal confidence and presentation, and secondly in being able to present a coherent argument.*
- *An understanding of interactions with the court (including protocols when writing to the Associate or Registrar).*
- *Basic practical experience such as having been present in court and observed or understanding the psychology of clients*
- *Basic understanding the IMPLEMENTATION of the rules of evidence and how litigation actually occurs with evidence given/admissible and that the vast majority of cases turn on facts not the law. Because of this fundamental failure they are totally unable to realistically assess cases and frankly any of my secretaries with more than 12 months experience are actually more useful to the practice.*
- *Inability to understand which documents to use in a court application and how to file those documents. Unaware of critical dates issues.*
- *Lack of knowledge for basic court procedures - how to commence court proceedings in various types of matters is significantly lacking in legal graduates. They don't seem to know the basics.*
- *Lack of understanding of court documents eg 651 application, bail application, antecedents, court processes.*
- *Constructing and advocating a case theory with large amounts of material.*
- *Understanding of court procedures in a practical sense, including relevant forms and how to complete them.*
- *University graduates seem to be extremely frightened of appearing in Court and interacting with the judiciary.*
- *Ability to draft standard documents (wills contracts etc) Ability to manage from start to finish specific client matters (eg probate, divorce, conveyance).*
- *A lot of the finer procedural processes, particularly relating to court appearances and other such things as case conferencing are missing from the PLT. E.g Registry committal was never mentioned, neither was the new procedure for court committal. I was taught what happens in court is wildly different to reality.*
- *The graduates that I have worked with are frightened to appear in Court and that seems to be reinforced by their lecturers.*
- *I believe that Junior Solicitors need to focus on more fundamental skills. They need to learn how to ...prepare documents for trial/hearing and speaking and acting in court. These are skills that are not taught at university.*

### Oral Communication and Listening Skills

Although not specifically listed as 'lawyer's skills' in the survey, oral communication and listening skills also warrant specific mention here as a significant number of respondents regarded these as missing skills. Verbal communication is addressed in the PLT Competency Standards under Lawyer's Skills – 'communicating effectively'.

Missing Skills
<b>Oral Communication</b> Some comments about law graduates and entry level solicitors' lack of oral communication skills were:
<ul style="list-style-type: none"> <li>• <i>Ability to communicate competently using established professional courtesies - either with other practitioners or to the Court.</i></li> <li>• <i>Ability to make phone calls and get all necessary information in one phone call from businesses, courts, government departments, organisations etc.</i></li> <li>• <i>Ability to speak directly/telephone to other lawyers representing another party in a matter instead of using email.</i></li> <li>• <i>Oral communication/rhetoric training.</i></li> <li>• <i>How to answer a phone.</i></li> <li>• <i>Almost all graduate lawyers avoid making telephone calls, even when directed to do so.</i></li> <li>• <i>Oral communication skills - ability to interact with clients via telephone.</i></li> <li>• <i>Telephone skills when speaking with clients. Graduates often find themselves tongue-tied.</i></li> <li>• <i>Contact with members of profession and clients - many display ineptitude in dealing with actual contact that is not via text or email.</i></li> <li>• <i>Customer service skills - basic friendly, confident and competent human interaction with clients.</i></li> <li>• <i>General adaptation of communication styles to suit the audience.</i></li> <li>• <i>How to pick up a phone and talk to someone! There seems to be a genuine fear of speaking to someone over the phone and a great reliance on sending emails.</i></li> <li>• <i>They are often "scared" to pick up the phone to talk to clients and need to learn more "soft skills" such as communicating, "upselling" and the like.</i></li> <li>• <i>Communication skills including empathy and active listening.</i></li> </ul>
Thus, although not directly addressed in the listed skills in the survey, this appeared to be a general area of concern for respondents, judging by the comments, and is related to client management skills and business skills.
<b>Listening Skills</b> In addition, there were concerns raised about listening skills, for example:
<ul style="list-style-type: none"> <li>• <i>Ability to truly listen to and understand clients and colleagues.</i></li> <li>• <i>Comprehension and ability to take clear instructions, or seek clarification if unclear of instructions.</i></li> <li>• <i>Listening skills. An ability to hear what is requested of them, interpret it accurately and then ask questions that clarify what is expected of them so that they do the task properly - low skill levels in my experience.</i></li> <li>• <i>Listening to the client.</i></li> <li>• <i>The ability to listen and engage in a conversation.</i></li> </ul>

### Section 3: Problem Solving Skills

Respondents' comments reflected some concern about the problem-solving abilities of law graduates and entry level solicitors.

#### Shows good judgment and common sense in solving problems

Missing Skills
There was a perception by some respondents that law graduates and entry level solicitors lacked sound judgment or common sense in solving problems, while acknowledging that they may lack the confidence to do so. For example:
<ul style="list-style-type: none"> <li>• <i>The ability to exercise sound professional judgement - or maybe it's lack of sufficient confidence to do so.</i></li> </ul>

- *Common sense is always lacking along with an understanding of the repercussions of their actions (or lack thereof).*
- *Need to focus on problem solving not regurgitation of the law.*
- *...the trend towards more assignments and less exams has seen a drop off in problem solving skills.*
- *I am finding that although there are some esteemed graduates, few have "life" skills in order to apply reality to situations, and often are so ill prepared for the legal profession in that they have little to no practical experience. They also cannot complete simple problem-solving skills and just want to be told what to do.*
- *I am increasingly concerned about how easy it is to get a law degree. There seems to be no common sense or problem-solving skills in new graduates. Very basic skills. Could better train secretarial staff than graduates at times.*
- *Problem solving and legal knowledge are the two most important skills we require from our graduates.*
- *They have theoretical knowledge but difficulty dealing with clients and problem solving.*
- *Common sense is significantly missing from many early career solicitors.*
- *Often bright but lacking practical skills and common sense.*
- *Understanding basic tenets of 'service' and the fact that clients are more interested in practical advice rather than academic legal analysis.*

However, the quantitative survey data reflects that approximately 74% of respondents thought that law graduates and entry level solicitors "sometimes" (49%), "often" (21%) or "always" (4%) showed sound judgment or common sense in solving problems. The constructive comments may indicate that a higher than just average level of these skills should be expected from law graduates and entry level solicitors.

#### Suggested Reforms

- *They need better mentoring in law practice for a longer period of time. Courses at university need to focus on problem solving not regurgitation of the law*
- *Yes, lawyers need to know the law, but common sense and commercial acumen is not taught which is a shame... We have an expensive judicial system and teaching students that the system is broken and that you need to present other options MUST be taught in my professional opinion.*
- *More focus on the practicality aspect of working in private practice, attention to detail and retention of practical common sense information is needed, more so for young practitioners/graduates.*

#### Generates strategies to implement solutions to problems

##### Missing Skills

Related to the issue of problem solving is the ability of law graduates and entry level solicitors to generate strategies to implement solutions to problems. The ability to conduct an effective legal analysis was also regarded as a relevant skill in problem solving. In the quantitative survey results approximately 85% of respondents were of the view that law graduates and entry level solicitors "never" (3%), "rarely" (40%), or "sometimes" (42%) generated strategies to implement solutions to problems. Only approximately 16% were seen to "often" (13%) or "always" (3%) demonstrate these skills.

Respondents expressed the following views on missing skills in this area:

- *Legal knowledge sufficient to stand as a foundation on which to identify and solve clients' legal problems.*
- *Bringing solutions not problems.*
- *Taking initiative to make their own assessment of what needs to be done next (ie, coming to the supervisor with possible solutions instead of just questions).*
- *... devise an appropriate strategy to resolve the issue including where appropriate considering more creative extra-legal solutions to a problem that may be available to the client.*

- *Identifying solutions to legal problems, rather than just being able to analyse the issue and explain it.*
- *A theoretical understanding of core legal principles is only half of the job. Hands on, practical experience and being able to consider problems and find solutions through a commercial lens is also incredibly important.*
- *Communication with clients to identify needs and how we can best assist with practical solutions.*
- *How to identify time and cost-effective resolutions.*
- *They are let down by the profession's failure to adopt technological solutions for their practices in a timely way. Entry level solicitors lack access to resources when not supplied.*
- *Can be expecting everyone to invest in them but not willing to do the work themselves to find solutions at law or be part of the broader team. Expect remuneration and rewards without relevant increase in skills or expertise.*
- *Ability to separate the relevant from the irrelevant.*
- *The ability to understand the scope of a task and implement it effectively.*

### Legal analysis

#### Missing Skills

A few respondents identified legal analysis as a missing skill, as reflected in the comments below:

- *Identifying solutions to legal problems, rather than just being able to analyse the issue and explain it.*
- *Ability to take narrow and broader perspectives on legal issues they are asked to advise on and identify a client's various options, analyse the options and devise an appropriate strategy to resolve the issue...*
- *Better understanding of commercial realities (as opposed to just legal analysis).*

## Section 4: Work Management and Business Skills

### Can produce quality legal work in a timely and cost effective way

#### Missing Skills

Only a few respondents commented on the ability of law graduates and entry level solicitors to produce quality legal work in a timely and cost-effective way and recognised the need for training to be provided in finding cost-effective solutions for clients. This was surprising considering that fewer than 11% of respondents in the quantitative survey results thought that law graduates and entry level solicitors "often" or "always" produced quality legal work in a timely and cost-effective way.

Examples of comments relating to missing skills were:

- *Cost effectiveness for clients.*
- *How to identify time and cost effective resolutions.*
- *Practical hands-on training. That is training in the management of client's and files, delegation, how to identify time and cost effective resolutions.*

### Understanding and managing risk in legal matters

#### Missing Skills

Many respondents noted a lack of skills in law graduates and entry level solicitors in understanding and managing risk in legal matters. This supported the quantitative survey results, where nearly 57% of respondents thought that law graduates and entry level solicitors "rarely" (53%) or "never" (4%) demonstrated acceptable skills levels in risk management. These results and comments may indicate a cause for concern about risk management in private practice.

Relevant comments were:



- *...risk management based on real-life, practical realities are sorely missing.*
- *Business acumen and risk management would be welcomed - the business of law is important too.*
- *Contacts clients and others when told not; never copies supervisor into emails; issues emails to clients without authority; a real risk to the firm and the profession.*
- *Legal risk with LSC and complaints. Insurance risks.*
- *I feel that law graduates and entry level solicitors do not know or have the experience they need to be working as a 'lawyer/solicitor'. They lack experience in how the law is applied to real facts. They lack the skill how if identifying risk, how to give practical & commercial advice.*
- *They need to know how hard it is to work harder than most, taking on the risk of being sued for making a mistake and being paid far less than what they imagined or what people think they are being paid...*

#### Suggested Reforms

- *[A need to] think commercially and strategically and not being so risk averse.*
- *More emphasis on practical elements of the job, reflected through assignments and tutorial exercises. Simple guidance on the translation of legal research into client advice would be useful. Further, an understanding of what are common terms in a contract as well as common risk allocations would be beneficial.*
- *Further emphasis on ... risk and strategy concepts.*
- *An understanding of what are common terms in a contract as well as common risk allocations would be beneficial*

#### Accurate and informative recording of time

##### Missing Skills

Some respondents commented about cost effectiveness, commerciality and business sense as missing skills in demonstrating accurate and informative recording of time, indicating a perceived lack of preparedness by law graduates and entry level solicitors to undertake these activities. Examples of relevant comments follow below:

- *Time recording/billing, time management, business development skills.*
- *Understanding of time recording.*
- *As someone who completed the PLT program, I did not feel like it was worthwhile. The 'important' bits were skimmed over (time recording and the other pressures of being a lawyer--stress management, meeting a budget, etc) were not taught.*
- *They have no commerciality when it comes to time recording, no understanding at all re: what can/cannot be legitimately billed to a client.*
- *a greater understanding of business development, time recording... would have been helpful...*

##### Suggested Reforms

Respondents saw the need for more training in this area:

- *More practical knowledge eg: time recording, diary notes.*
- *Admin skills (time recording / understanding of billing considerations).*
- *Practical skills eg drafting documents, taking instructions, writing file notes, time recording, discussions with clients about bills, etc.*



**Ability to work cooperatively**

Missing Skills
<p>Although approximately 66% of respondents thought that law graduates and entry level solicitors “often” (52%) or “always” (14%) demonstrated acceptable competence in working cooperatively, a few respondents were critical of this group’s ability to work cooperatively and felt the following skills required in private practice were lacking:</p> <ul style="list-style-type: none"> <li>• <i>[They] have to be prepared to be working from home and being able to learn and team in a virtual environment. Natural and informal learning within a traditional workplace is decreasing so must be adaptive to learning in a virtual environment</i></li> <li>• <i>Ability to communicate adequately with clients and other team members as new solicitors with no exposure to a legal environment other than university are very self-centred and don’t look at the broader benefits from sharing information.</i></li> <li>• <i>Better understanding of financial management relevant to large and small teams.</i></li> <li>• <i>Significant lack in understand the practical side of law. Increasing number of students who refuse to do basic legal tasks which create a strong base.</i></li> </ul>
<p>Conversely, another respondent was of the view that:</p> <ul style="list-style-type: none"> <li>• <i>There is a generational gap in our profession. The younger generation understand it’s about collaborative outcomes not bullying tactics. The older generation have the experience of the law and the legal system at large eg how to appear in front of different judges.</i></li> </ul>
<p>Thus, there appeared to be divergent views in the profession about law graduates and entry level solicitors’ proficiency in working cooperatively.</p>

Suggested Reforms
<ul style="list-style-type: none"> <li>• <i>[Improve] emotional intelligence and working with others.</i></li> <li>• <i>Unless graduates have been working in the legal profession, I feel they are not equipped to practice as lawyers immediately upon commencing work. The GDLP program does not provide sufficient individual guidance to students, ie too short a timeframe and too much self-directed learning, when students should be closely guided and assisted in the learning to ensure learning outcomes are correct and that students become valuable members of a team.</i></li> </ul>

**Commercial acumen and ability to understand basic financial accounts**

Missing Skills
<p>There were a number of comments about commercial acumen as a missing skill. These concerns are supported by the quantitative survey results, where nearly 63% of respondents thought that law graduates and entry level solicitors “rarely” (56%) or “never” (7%) demonstrated competence to an acceptable standard in commercial acumen and ability to understand basic financial accounts. Examples of the concerns raised were as follows:</p>
<ul style="list-style-type: none"> <li>• <i>Many new starters have little or no understanding of important concepts in the corporate and commercial practice area, such as restraint of trade, intellectual property and the basics of drafting agreements.</i></li> <li>• <i>The variety of subjects now offered means graduates have knowledge of all sorts of laws, but often not the ones they need for practice (eg commercial law, insurance law, tax law).</i></li> <li>• <i>Interest in and level of understanding of a client’s business needs and how to align these with legal and commercial outcomes.</i></li> <li>• <i>Life experience and a nuanced understanding of commercial transactions and the drivers for them.</i></li> <li>• <i>Commercial understanding of how the law works.</i></li> <li>• <i>To think practically and commercially.</i></li> </ul>

- *There is quite a difference between someone straight out of PLT and someone who has had prior experience in a firm - more than the month through PLT. Confidence in running a file independently is the main thing. PLT did not equip our most recent graduate with sufficient commercial skills for our corporate and commercial practice. We offer only business legal services and [their] PLT experience was more in family, criminal, and conveyancing.*
- *The overall impression I get is that their training is so 'court action' centred that they have little understanding of transactional law and its processes. Neither taxation law nor accounting (financial statements) are core subjects and both are essential for all legal work.*

#### Suggested Reforms

- *PLT did not equip our most recent graduate with sufficient commercial skills for our corporate and commercial practice.*
- *Lawyers coming into private practice need knowledge of laws in Australia generally.*
- *Legal education and PLT does not prepare lawyers to think commercially and advise clients on ways to resolve issues quickly... common sense and commercial acumen is not taught which is a shame...*
- *There needs to be a greater emphasis on real world commercial transactions and how to give effect to them.*
- *A theoretical understanding of core legal principles is only half of the job. Hands on, practical experience and being able to consider problems and find solutions through a commercial lens is also incredibly important.*
- *More practical skills and experience imbedded into undergrad and PLT training ie drafting, communication and commerciality/advice work.*
- *Better understanding of commercial realities.*
- *A better practical application in the areas of property law and accounting would be beneficial. Areas such as stamp duty, land tax, gst.*
- *Tax, company law and fundamental accounting are essentials in all areas of practice.*

#### Demonstrates interest in business and financial arrangements of clients

##### Missing Skills

To a slightly lesser extent than the previous skill, the quantitative survey results reflected that nearly 52% of respondents thought that law graduates and entry level solicitors “rarely” (46%) or “never” (6%) demonstrated acceptable interest in business and financial arrangements of clients. Yet there were almost no comments referring to this issue, perhaps indicating that it is not regarded as an area of major concern. Yet, the notion that this may be a challenging area for law graduates and entry level solicitors may be illustrated by this comment:

- *Ability to understand the client and client business can be difficult.*

##### Suggested Reforms

- *Placement is only implemented in practical legal training, and it should be implemented throughout the law degree. For those students who are not fortunate enough to land law-related part-time or full-time jobs while studying are at an automatic disadvantage to those who do. I felt that law school equipped me with about 20%-25% of the relevant knowledge, and was great in equipping me with preparing legal advice, though the majority of my learning came from everyday practice and understanding how client businesses operated.*

#### Ability to maintain strong work and team relationships

Please refer to the section above on ‘Working cooperatively’ as these comments inter-relate. The suggested reforms and training provided on that topic may also apply to this skill. Again, the quantitative data reflected a positive view by respondents, with nearly 93% of respondents indicating that law graduates and entry level solicitors “sometimes” (33%), “often” (45%), or “always” (15%) maintain strong work and team relationships.

Missing Skills
Other relevant comments related to dealing with difficult people and fostering strong work relationships, while acknowledging the challenges of maintaining strong client relationships. For example:
<ul style="list-style-type: none"> <li>• <i>Ability to work with a wide range of client successfully and ability to maintain professional standards in complex and morally complicated matters.</i></li> <li>• <i>An ability to relate to and understand clients from all socio economic group and the ability to recognise the needs of such clients.</i></li> <li>• <i>An understand of Trauma informed practice.</i></li> <li>• <i>Importance of questioning when something doesn't sit right.</i></li> <li>• <i>Collegial approach to dealing with other practitioners.</i></li> <li>• <i>Working effectively with stakeholders who present with challenging behaviours</i></li> <li>• <i>The understanding of how an office works in general and the interactions between professional staff and non-secretarial staff.</i></li> <li>• <i>Unable to deal with difficult clients - need to have some sort of social empathy training.</i></li> <li>• <i>Strategies to deal with difficult professionals on the other side of a matter.</i></li> <li>• <i>Young lawyers need to be trained to work together with other lawyers and not engage in unnecessary adversary practices with other lawyers.</i></li> </ul>

#### Ability to manage files

Missing Skills
Some respondents commented on this as a skill lacking in law graduates and entry level solicitors, for example:
<ul style="list-style-type: none"> <li>• <i>File management and processes (e.g. identifying what is the next steps required as a file progresses).</i></li> <li>• <i>File management, managing emails.</i></li> <li>• <i>Task/file management - keeping track of where a file is up to and what documents are already in the file/brief and knowing how to organise files and keep track of email inbox to retrieve documents and track status efficiently.</i></li> <li>• <i>Understanding of document management and review skills, in addition to file management.</i></li> <li>• <i>The law graduates I deal with are not equipped for handling a fast-paced office and a large workload and in particular are not aware of the huge email traffic they will have to manage. Soft skills in time and file management become very important. Standard of desktop processing skills is generally too low and has to be corrected by supervisors.</i></li> </ul>
These comments express a level of concern consistent with the quantitative survey results, which found that approximately 43% of respondents thought that law graduates and entry level solicitors “rarely” (39%) or “never” (4) demonstrated competence to an acceptable standard in file management.

Suggested Reforms
<ul style="list-style-type: none"> <li>• <i>More assessments based on written advices, client interviews, file management and everyday aspects of working in a firm</i></li> <li>• <i>Practical skills e.g. client interviewing, file management and advocacy should receive more attention in undergraduate studies.</i></li> <li>• <i>Practical skills e.g. client interviewing, file management and advocacy should receive more attention in undergraduate studies.</i></li> <li>• <i>file managements and processes of matters. Court procedures, practical components to practice.</i></li> <li>• <i>Greater focus on billing practices and how to bill, as well as work flow and file management.</i></li> </ul>

- *More file management ability, to assess what the next step in a matter is to be, strategic thinking needed.*
- *We should be learning to use file management systems/software during our degree.*
- *client interviewing, file management and advocacy should receive more attention in undergraduate studies.*
- *Training in basic letter writing, basic note taking and basic file management.*
- *Basic mechanics of running a firm (back end) are lacking - no idea about file management, insurance, accounting, solicitor's responsibilities etc - almost need a mini-principal practicing certificate course so they understand the fundamentals*
- *New grads in our practice tend to have a basic theoretical understanding of file management. However they lack contextual information about how theory is applied in modern information and records management system. Legally prepared but not administratively prepared for office life*

### Self-management (including resilience, wellbeing and stress management)

#### Missing Skills

Many respondents expressed concerns about a lack of skills on the part of law graduates and entry level solicitors in this area. It is of some concern that so many respondents felt the need to comment on these missing skills, indicating a lack of attention to these important attributes for lawyers in private practice. The quantitative results indicated that nearly 35% of respondents thought law graduates and entry level solicitors "rarely" (32%) or "never" (3%) demonstrated adequate self-management skills.

Examples of comments were as follows:

- *I believe that there is no onus on junior solicitors to take care of their senior partners, supervisors and counsel. It helps Juniors to develop resilience and a means to cope when things get tough. We learn the limits of our endurance.*
- *Most grads lack resilience, and many seem to have no real desire to be lawyers, just happened to fall into it.*
- *It is for private practice firms to look after their graduates, respect their private time, and ensure they have the opportunity to have a healthy work life balance. Too often, I see promising graduates burn out and leave private practice to present their mental health and wellbeing. It's a real problem with private practice.*
- *There needs to be more support for early year lawyers about wellbeing.*
- *New graduates are increasingly anxious around uncertainty. This can lead to low or fragile confidence in themselves and in their supervisors, and excessive help-seeking and distress as they try and ascertain the one 'correct' answer (when such a thing does not exist).*
- *Grads do not understand and are not equipped with coping skills for an office environment generally, which (has a lot of upside, but also) carries inherent stresses of layered human relationships.*
- *I believe that they are generally not equipped and it adds stress to both the graduate and the employer.*
- *It was a big mistake to get rid of articulated clerkships. It adds to the general stress of the law graduates and entry level solicitors (as well as the firms themselves) that their competence levels are not aligned with their salary expectations and the value they bring to the firm to begin with.*
- *The workload of a graduate is often very heavy and generally in areas of work they have likely never dealt with and can be stressful leading to mental health issues in first year PAE and junior solicitors. Students go from having 3 weeks to complete a university assignment to only having approximately 2 days to complete tasks in the workplace and that needs to be addressed. It is a difficult adjustment.*
- *Billing times, balance of work life.*
- *Ability to monitor and if necessary address their own mental health.*

#### Suggested Reforms

There were many suggestions for reform:

- *Education on maintaining wellbeing and resilience in the legal profession.*
- *The law schools do not teach young lawyers about resilience and dealing with clients.*
- *More focus on practical skills such as ... resilience, stress management*
- *I think further training in leadership skills, resilience and time management. The change of the expectation of working.*
- *More initiative and resilience skills.*
- *Ability to manage time and be responsible for time management.*
- *Resilience training.*
- *On the whole EQ is of a good standard but some graduates have medium- low EQ and this can be a challenge for themselves, their colleagues and clients. This may be helped with more communication skills and wellbeing programs.*
- *Based on my experience, graduates and entry level solicitors need to understand the importance of a work life balance and how to manage the expectations of their employer while setting a standard for their own wellbeing. I understand this would need to be a collaborative effort by both the employer and the employee but I think this is a huge factor in changing the profession and helping entry level solicitors make it through those first few years.*
- *Most junior lawyers are hard working and eager to succeed. The profession needs to be better at cultivating those qualities to create an environment for juniors to thrive - this is structural and cultural - encourage wellbeing and collegiality, ensure good mentorship, discourage burnout or unhealthy work behaviour.*
- *When I started ... it was in a community legal service in another state who had a sink or swim attitude to graduates. With no mentoring at all I found it hard to grasp the basics and considered giving up the law completely. This affects your confidence and mental wellbeing in that you second guess yourself all the time... These services, where graduates often start, although they have the best intentions, are often time poor and graduates can get left behind.*
- *It is also important for students to learn about healthy coping mechanisms for stress and about the effect of consistent unhealthy stress levels on physical and mental health.*

#### Ability to manage personal time

##### Missing Skills

Related to the previous skill of self management, some respondents commented on a perceived inability of law graduates and entry level solicitors to manage their time and suggested more targeted training in this area. Some relevant comments follow below:

- *Deficient time management skills and understanding importance of time limits.*
- *More practical focus...Time management. Pressures from the Court.*
- *Current Law degrees and PLT training do not provide a realistic focus on real world issues of law and dealing with clients, billing or time management needed in private practice.*

##### Suggested Reforms

- *Any placement subjects should be structured and require detailed formal feedback on all requires areas of competencies, extending to time management and attitude.*
- *Current Law degrees and PLT training do not provide a realistic focus on real world issues of law and dealing with clients, billing or time management needed in private practice.*
- *More training relevant to time management...*
- *More focus on practical skills such as drafting, time management, resilience, stress management.*

- *The previous articulated clerkship program gave law graduates a good opportunity to ensure they had basic skills such as client, file and time management which is essential to their practice. Moving to PLT and limited work experience meaning entry level lawyers struggle with these factors.*
- *They need more practical training including experience with clients and time management.*
- *delivering under time pressure and strategies around work prioritisation.*
- *I think further training in leadership skills, resilience and time management.*

### Dedication to client service

#### Missing Skills

This did not appear to be an area of great concern for respondents. Only one respondent perceived 'keeping clients and supervisors informed' as a missing skill. This impression aligns with the quantitative data that approximately 78% of respondents thought that law graduates and entry level solicitors "sometimes" (42%), "often" (29%) or "always" (7%) demonstrated competence to an acceptable standard in client service.

These results appear to be at odds with some comments by respondents regarding what is typically expected from law graduates and entry level solicitors in private practice, for example:

- *Empathy towards more senior and experienced Lawyers. There is a distinct lack of appreciation that Senior Lawyers have much more experience in doing the role that they (the junior lawyers) are doing and should therefore be respected for having learnt the lessons that they are trying to impart. The life and career experiences of all staff should be respected, not just their own.*
- *General understanding of employer's expectations in private practice and what is required ie. time of the essence and the need to sometimes stay to get the job done not just working your hours (within reason). Appreciation that as a graduate or newly admitted solicitor, there is a tremendous amount to learn on the job and accepting responsibility for their own learning outside of work as well as while at work. The job experience gained by the graduate/junior is as much for their benefit as the hours they are putting in for the employer (as the efficiencies just aren't there while they are learning).*
- *Lack of understanding of the hours worked by lawyers and what is required.*

#### Suggested Reforms

Reforms suggested in other skills areas relating to strong relationships overlap with this skill in some respects. However, one respondent specifically suggested a need for training on:

- *Managing a file, keeping clients and supervisors informed, costs disclosure, taking and acting on instructions, retainer and clarifying scope.*

### An understanding of insurance

#### Missing Skills

There were only a few comments about understanding insurance as a missing skill, for example:

- *Basic mechanics of running a firm (back end) are lacking - no idea about file management, insurance, accounting, solicitor's responsibilities etc.*
- *Understanding insurance – including insurance risks.*

This is at odds with the perception noted in the quantitative data that approximately 73% of respondents thought that law graduates and entry level solicitors "rarely" (59%) or "never" (14%) demonstrated acceptable levels of competence in understanding insurance. The lack of comments may indicate that an understanding of insurance is not regarded as important for entry level solicitors. This may raise concerns about risk management in private practice.



**Business values and Professionalism**

Missing Skills
<p><b>a. Business values</b></p> <p>Although not specifically listed as skills, there were many respondents who commented on a perceived lack of business skills in law graduates and entry level solicitors. These comments indicate some concern about law graduates and entry level solicitors' abilities to think and act in a commercial manner. The following missing skills were identified:</p> <ul style="list-style-type: none"> <li>• <i>Cost effectiveness for clients.</i></li> <li>• <i>Professional versus business values.</i></li> <li>• <i>Awareness of competitors being not just other law firms, but many advisory and other service providers, many who do not comply with the law.</i></li> <li>• <i>Financial aspects as to how a legal practice operates - the business side of things. Many proceed in blissful ignorance of the fact that money does not grow on trees.</i></li> <li>• <i>Honestly, most of the business skills are missing. An employer would need to teach them from scratch. I was taught from scratch by my employer after completing the PLT program.</i></li> <li>• <i>They are now younger than 21 years old when they are admitted. They no longer have two degrees a no business skills.</i></li> <li>• <i>To think practically and commercially.</i></li> <li>• <i>Understanding of basics of pricing psychology and how to better ascertain client perception of value of services...</i></li> <li>• <i>Understanding of actual financial mechanics of legal practice.</i></li> <li>• <i>Understanding of developing costs estimates and fee agreements, including drafting costs agreements.</i></li> </ul>
<p><b>b. Professionalism</b></p> <p>Related to these were some comments indicating a perceived lack of professionalism in law graduates and entry level solicitors, for example:</p> <ul style="list-style-type: none"> <li>• <i>An understanding of when you are allowed to call yourself a lawyer/solicitor.</i></li> <li>• <i>An understanding of how to be professional at work.</i></li> <li>• <i>Personal presentation, particularly conveying professional demeanour when meeting clients.</i></li> <li>• <i>Basic office skills - using stapler, printer, telephone etc.</i></li> <li>• <i>Office etiquette.</i></li> </ul>

**Section 5: Trust and Office Accounting****Understanding fiduciary and other trust accounting duties**

Missing Skills
<p>There was only one comment about 'understanding fiduciary and other trust accounting duties' as a missing skill.</p> <ul style="list-style-type: none"> <li>• <i>Neither taxation law nor accounting (financial statements) are core subjects and both are essential for all legal work.</i></li> </ul> <p>This is at odds with the perception noted in the quantitative data that approximately 49% of respondents thought that law graduates and entry level solicitors "rarely" (44%) or "never" (5%) demonstrated acceptable levels of competence in these skills. However, several suggestions were made for reforms in this area.</p>

Suggested Reforms
<p>However, a number of respondents suggested reforms in this area:</p>



- *Tax, company law and fundamental accounting are essentials in all areas of practice.*
- *A basic understanding of how to write and structure a letter is surprisingly frequently missing and a basic understanding of financial transactions e.g. Cheques and accounting practices, is often missing.*
- *Basic accounting processes...*
- *... a basic understanding of financial transactions e.g. Cheques and accounting practices, is often missing*
- *More about trust accounting.*
- *Skills necessary for private practice are acquired and should be taught by senior solicitors - this is the entire purpose of supervision. The focus of undergraduate studies should be on the foundations of law...*

### Can render bills accurately

#### Missing Skills

A number of respondents commented on inadequacies in the ability of law graduates and entry level solicitors to render accurate billing and manage billable hours. These concerns aligned with the quantitative findings that 49% of respondents thought that law graduates and entry level solicitors “rarely” (42%) or “never” (7%) demonstrated acceptable levels of competence in rendering accurate billing. Some comments reflected the tension between ethics and commercial considerations in time recording. For example:

- *Knowledge of obligations and requirements in respect to costs disclosure.*
- *Often graduates are not taught these skills throughout their degrees and are shocked when they are expected to know how to do this once they enter the profession. The same issue stands for knowing how to bill, record hours, manage client files and so on.*
- *Something along the lines of being able to generate work, or seek out work from senior lawyers. After the first month or so, the hand-holding dies off as the senior lawyer who conducted the introductions and welcoming, goes back and catches up on their work without much thought about what work has been allocated to the new baby lawyer. I would say that the ability to seek work, and thus maintain billable quota, is important, not taught, and would be a 2 on the scale (sometimes seen).*
- *Managing billable hours.*
- *Billing times, balance of work life.*
- *Nature of time billing including drafting of narrations.*
- *Practical skills eg ... time recording, discussions with clients about bills, etc.*
- *Time recording/billing, time management, business development skills.*
- *Understanding of time recording, understanding of billing.*
- *They have no commerciality when it comes to time recording, no understanding at all re: what can/cannot be legitimately billed to a client.*
- *Students need to actually start preparing NOT ESSAYS, but: ..... 2) assessing the costs based on relevant legislation in that area of work .....*
- *Personally I think significant reform is required to the legal profession in general as the balance between ethics and billable hours is a struggle I often see young graduates faced with.*
- *Current Law degrees and PLT training do not provide a realistic focus on real world issues of law and dealing with clients, billing or time management needed in private practice.*
- *PLT should be part of the degree and introduced early on. There is little practical education provided. Subjects dealing with the administration in law firms such billing, conflicts, client service should be taught during degree not at PLT.*
- *There needs to be greater focus on... how to bill and time record on matters.*
- *More practical and reality-based preparation for billing requirements and meeting KPIs and billables.*
- *Admin skills (time recording / understanding of billing considerations).*
- *They need to consider what is billable work to the client or self education.*
- *Greater focus on billing practices and how to bill, as well as work flow and file management*
- *I believe that Junior Solicitors need to focus on more fundamental skills. They need to learn how to manage their billing ... These are skills that are not taught at university.*

## Section 6: People Skills and Self-Development

### Can delegate, supervise and mentor others

#### Missing Skills

Some respondents raised concerns in relation to law graduates and entry level solicitors' office interactions with others. The concerns expressed particularly related to appreciation of administrative staff and paralegals, and the requirement for more understanding on the part of entry level solicitors of how an office works. These concerns aligned with the quantitative findings that approximately 64% of respondents thought that law graduates and entry level solicitors "rarely" (51%) or "never" (13%) demonstrated acceptable levels of competence in delegating, supervising and mentoring others. Interestingly, this skill attracted the lowest number of responses in the quantitative data (590), perhaps indicating that many survey respondents did not regard these as essential skills for law graduates and entry level solicitors.

Examples of relevant comments were:

- *Strong skills in delegating work to administrative staff and supervising non-legal work to ensure efficient/economical ways of working.*
- *Time management and leadership skills on how to supervise and negotiate other staff would be beneficial.*
- *Understanding of the importance of administrative/support staff and to show respect to those persons who are integral to the firm.*
- *The understanding of how an office works in general and the interactions between professional staff and non-secretarial staff.*
- *Graduates, who are admitted into practice without practical skills, too often regard themselves as "solicitors" of experience and fail to take opportunities to learn from experienced para-legals or administrative staff who could teach them a lot about the practice of law.*
- *Many are in no way ready for the profession and training to an acceptable standard is extremely cumbersome. Office administration staff have greater experience and skills and therefore are preferred to law graduates and entry level solicitors who require significant training and expect more money. They do not seem to be receptive to training and are unable to manage administrative staff appropriately.*
- *Some have a sense of entitlement/lack empathy and emotional intelligence in dealing with in house staff and other external stakeholders.*

#### Suggested Reforms

- *Further training in leadership skills, resilience and time management. The change of the expectation of working.*
- *More practical aspects of practice, how to manage a matter - dealing with clients, supervisors and other staff.*
- *How to manage a matter - dealing with clients, supervisors and other staff*

### Commitment to professional development toward excellence

There were no specific comments on this point, except for the following observation and one suggestion for reform:

#### Missing skills

- *Law firms are in my experience, too busy to hand hold and teach grads/junior solicitors the practical things or how to run a matter and grads come into most roles expected to do 8+ hours of productive work with zero time set aside for learning/training/development. How can grads learn if there is not enough hours in a day to perform their employer's tasks let alone learn new skills themselves?*

**Suggested Reforms**

- *More experience in private practice before admission. A reformed version of articles is required or a demonstrated ability to work in practice for a number of years prior to admission. The medical profession, nursing, architecture - all include an "apprenticeship" of sorts with on the job training and development. We have freshly minted lawyers entering the profession at the age of 21/22 with no work experience and no life experience. They are completely unprepared for the legal work involved and, more importantly, the mental load required of lawyers. There is a reason why the drop out rate in young lawyers is so high.*

**Seeks out feedback, is self-reflective and responsive to coaching****Missing Skills**

There were only a few comments by respondents regarding law graduates and entry level solicitors' capacity to seek out feedback and to be self-reflective and responsive to coaching. This aligns with the positive quantitative results, which found that nearly 84% of respondents thought that law graduates and entry level solicitors "sometimes" (37%), "often" (36%) or "always" (11%) demonstrated acceptable skills in these areas. The following missing skills were identified in the comments:

- *Ability to proactively seek feedback from senior practitioners.*
- *This inflated sense of competence means they have little humility and no understanding of how little they know. This makes them very dangerous in practice and limits their capacity to learn as they are not open to receiving constructive feedback on their work.*
- *They function from a sense of superiority and have no ability to have robust professional conversations without reverting to a position of defensiveness rather than being open to this as a learning tool. Whilst I don't wish to see a reversion to the treatment of junior practitioners in the manner of my generation, we have now gone too far in the opposite direction.*
- *Coping with constructive feedback.*
- *Ability to take feedback constructively.*

**Stakeholder relationship management skills****Missing Skills**

A few respondents commented on this attribute, perceiving a lack of competency in this area. Examples of relevant comments were:

- *Working effectively with stakeholders who present with challenging behaviours.*
- *Being understanding and responsive to demanding (sometimes irrationally demanding) clients/stakeholders. Remaining calm during the crisis, and being able to address the needs of the client/stakeholder while maintaining professionalism and ensuring compliance with the law.*
- *A sense of entitlement/lack empathy and emotional intelligence in dealing with ...external stakeholders.*
- *Practical skills such as legal drafting and negotiation skills, effective communication with clients and other external stakeholders is lacking in most graduates.*

**Suggested Reforms**

- *A review of the Priestly 11 and more time at university to be devoted to practical tasks - e.g. ... stakeholder management.*

## Section 7: Client Management Skills

There was generally a lack of comments on skills listed in this category, which aligned with the low response numbers to questions in this category (647-652). The average view of respondents on these skills may indicate a perception by respondents overall that these skills are not areas of concern in relation to law graduates and entry level solicitors.

### Ability to interview clients and take clear instructions

Missing Skills
<p>The quantitative survey results reflected ‘ability to interview clients and take clear instructions’ as the worst performing skill in this category, with over 41% of respondents regarding law graduates and entry level solicitors as “rarely” (38%) or “never” (3%) adequately demonstrating this ability. This result was of some concern, considering the importance of this foundational skill. A few respondents commented on missing interviewing skills in law graduates and entry level solicitors:</p>
<ul style="list-style-type: none"> <li>• <i>Depending on the university the graduate attended, many early career lawyers and graduates are not equipped with the basic client interview, advice and memo writing skills.</i></li> <li>• <i>Interviewing clients and succinctly explaining the law. Managing client expectations.</i></li> <li>• <i>Oral interviewing and advocacy skills</i></li> </ul>

Suggested Reforms
<p>A number of suggestions for reform were made by respondents on this topic, many of which were related to previous skills mentioned, and most emphasising the need for practical experience:</p>
<ul style="list-style-type: none"> <li>• <i>A review of the priestly 11 and more time at university to be devoted to practical tasks - e.g. ... client interviewing...</i></li> <li>• <i>A lot of basic practical skills could be taught earlier during uni in mock settings or role plays. E.g. how to take an affidavit; client interviewing...</i></li> <li>• <i>Students need to actually start preparing NOT ESSAYS, but ... develop people skills e.g. having some fake client interviews ...</i></li> <li>• <i>So many other uni degrees give students so much practical experience throughout the degree, ... it makes no sense that law students come out having never worked in a law firm and having never learnt the basis about clients, interviews, letters to clients and other firms. So law students should begin having work experience back in uni and not waiting until PLT.</i></li> <li>• <i>More assessments based on written advices, client interviews, file management and everyday aspects of working in a firm.</i></li> <li>• <i>More real life and practice oriented skills including interviewing ...</i></li> </ul>

## Section 8: Personal Skills

### Possesses Initiative

Missing Skills
<p>The relatively low number of negative comments on initiative demonstrated by law graduates and entry level solicitors reflected a positive view by respondents on this attribute. This aligned with the positive quantitative survey results, which found that more than 77% of respondents thought that law graduates and entry level solicitors “sometimes” (43%), “often” (27%) or “always” (8%) demonstrated acceptable levels of initiative. Some respondents, however, felt that relevant skills were missing in law graduates and entry level solicitors, as reflected in the following comments:</p>

- *Taking initiative to make their own assessment of what needs to be done next (ie, coming to the supervisor with possible solutions instead of just questions).*
- *They lack confidence and initiative.*
- *The new generation of lawyers tend to lack initiative and expect things to always be straight forward or spoon fed. They are at large unable to improvise and lack the go getter attitude.*
- *Law schools are teaching too much by rote which means students lack initiative, capacity to read cases or to understand complex law.*

#### Suggested Reforms

- *More practical focus assessments ... and the ability to interpret contracts.*
- *A larger focus on business, soft skills and expectations in the workplace around having initiative and delivery of services.*
- *More practical experience, more knowledge of the client-solicitor relationship and communication with clients, more initiative.*
- *Learning to get the basics right, understanding when to exercise initiative (and what knowledge to obtain to make that decision) and when they should act more cautiously. Often listening and carefully reading will help them make a decision.*
- *More initiative and resilience skills.*
- *Jnr lawyers are eager to impress so they rarely show initiative or disagree for fear of being seen as 'wrong'.*
- *Law schools are teaching too much by rote which means students lack initiative...*

#### An understanding of emotional intelligence

##### Missing Skills

Although not always specifically mentioned in comments, emotional intelligence may be relevant in some of the comments relating to client management, in-house dealings with colleagues and dealing with external stakeholders. One comment by an early career lawyer acknowledged that this attribute was something that needed to be addressed in private practice:

- *As an early career lawyer, I have found that I did not possess skills in client management, and did not have a sound understanding of human behaviours, mental illness and emotional/cognitive development - it is something that has been explained by my supervisor. In our practice's areas of criminal law and family law, these factors play a significant role in our dealings with clients. I have found that other young lawyers are also lacking in these skills and awareness as well.*

There was a relatively overall positive perception of this attribute in the quantitative survey results, with nearly 74% of respondents indicating that law graduates and entry level solicitors "sometimes" (42%), "often" (26%) or "always" (6%) demonstrated acceptable levels of emotional intelligence.

##### Suggested Reforms

- *Difficult to pinpoint as all private practices run differently. I prefer graduates be able to show a level of emotional intelligence and empathy for clients (whilst ensuring boundaries!!) however I'm aware some firms are not interested in this and prefer a cold approach.*
- *Emotional intelligence and self awareness*
- *Emotional intelligence and working with others.*

- *Frontline experience with emotionally charged clients.*
- *[EQ] may be helped with more communication skills and wellbeing programs.*

### Self-awareness (of strengths and development areas) and ability to ask for help

#### Missing Skills

A few comments related to self-awareness as a missing skill, for example:

- *Without rigorous self-reflection and self-assessment, there cannot be improvement and striving. We are selling them short and they need the opportunity to be challenged in a robust way which will mean that they gain confidence based on real-world achievement (as opposed to academic achievement).*
- *They often don't possess a good appreciation of their own limitations. That is, they don't know when to seek help, or when they are straying beyond the limits of their knowledge and skills.*
- *Self awareness as to skill level.*
- *A lot of supervision is required. Young lawyers don't seem to have a good skill set to equip them to think through a legal problem to work out the answer. They need a lot of help, with no real drive to want to try to work out the problem themselves. Not sure they understand that being a lawyer is a challenging career path or that they appreciate the importance of the role.*

Again, there was a relatively overall positive perception of this attribute in the quantitative survey results, with nearly 75% of respondents indicating that law graduates and entry level solicitors "sometimes" (43%), "often" (26%) or "always" (7%) demonstrated acceptable levels of self-awareness.

There were no specific suggested reforms or information provided by training in law firms on this topic.

### Strategic, creative and innovative thinking

#### Missing Skills

This attribute was perceived more negatively than other attributes in this category, which may indicate a perceived need for improved critical and innovative thinking in law graduates and entry level solicitors. Comments regarding missing skills in this area included references to critical thinking, for example:

- *Critical thinking seriously lacking, about the purpose of work.*
- *Critical thinking, and an ability to reflect and provide considered responses.*
- *Strategic thinking.*
- *The learning curve is far too steep. It takes an entry-level solicitor at least 2-3 years to become competent at the day-to-day duties of a solicitor and generally 5 years to hone the strategic and critical thinking skills to truly act independently. This should ideally be drastically reduced.*
- *...devise an appropriate strategy to resolve the issue including where appropriate considering more creative extra-legal solutions to a problem that may be available to the client.*

#### Suggested Reforms

- *...there needs to be more focus on ... the importance of understanding clients and how to research clients etc and also critical and strategic thinking.*
- *More file management ability, to assess what the next step in a matter is to be, strategic thinking needed.*
- *Less focus on lengthy essays and high word counts for assessments that just encourage convoluted answers, and more focus on the skills necessary for practice e.g. ... thinking commercially and strategically...*



**Demonstrates a strong work ethic****Missing Skills**

Respondents generally held a positive view of work ethic in law graduates and entry level solicitors, as borne out by the quantitative survey results, where approximately 57% of respondents indicated that law graduates and entry level solicitors “always” (17%) or “often” (40%) demonstrated acceptable levels of work ethic.

However, a few respondents regarded work ethic as a missing skill and expressed strong views in this regard, for example:

- *Preparedness to stay at work to see jobs done.*
- *An interest in working hard – SOMETIMES.*
- *Dedication to my business and level of productive value at the same level as their desire for me to pay them money.*
- *Not so much a skill as an attitude - to do the job thoroughly and properly in every respect.*
- *Lack of respect for more senior practitioners. Questionable work ethics. High salary expectations. Low loyalty. Work ethic and ability to stick with problems is lacking.*

**Suggested Reforms**

- *Bring back articles so they have already acquired skills and a work ethic prior to commencing employment.*

**Ability to work independently****Missing Skills**

Some respondents held the view that that law graduates and entry level solicitors needed more guidance on how to work independently:

- *There is quite a difference between someone straight out of PLT and someone who has had prior experience in a firm - more than the month through PLT. Confidence in running a file independently is the main thing.*
- *The learning curve is far too steep. It takes an entry-level solicitor at least 2-3 years to become competent at the day-to-day duties of a solicitor and generally 5 years to hone the strategic and critical thinking skills to truly act independently. This should ideally be drastically reduced.*
- *They are ready to be trained, they are certainly not ready for any kind of independent practice.*

The limited comments may be reflective of the quantitative survey results where nearly 77% of respondents indicated that law graduates and entry level solicitors were “sometimes” (45%), “often” (25%), or “always” (7%) able to work independently.

**Section 9: Technological Skills**

There were very few comments dealing with technology skills, perhaps indicating that respondents did not have significant concerns about the skills listed in this category.

**An understanding of the benefits and use of technology****Missing Skills**

Respondents had an overwhelmingly positive perception of law graduates and entry level solicitors’ understanding of the benefits and use of technology. This perception was borne out by the quantitative survey results, with more than 86% of respondents indicating that law graduates and entry level solicitors “always” (39%) or “often” (47%)



demonstrated an acceptable proficiency in this skill. This sentiment was also reflected in the lack of negative comments. A few respondents felt, however, that some skills were lacking in this area as follows:

- *Understanding of legal technology and best practice workflows in litigation, handling of evidence and dealing with sensitive information.*
- *Law graduates usually have little understanding of the best way to use even basic technology like outlook, word and excel effectively.*

By contrast, one respondent pointed out that practical communication skills were lacking instead.

- *The graduates appear to be lacking in the practical skills that are necessary for effective practice. Although many are au fait with the technology, most of legal practice is about people and interacting with them as clients. This does not appear to be taught and the majority of us learn this in practice the hard way.*

#### Suggested Reforms

- *Training in new legal technology including AI and Blockchain, so that they can bring knowledge of these emerging developments to the firms, or are equipped to deal with them upon arrival.*

## Section 10: Foundational Understanding of Law

#### Missing Skills

A few respondents commented on whether law graduates and entry-level solicitors in private practice have a foundational understanding of substantive law areas relevant to practice, indicating that there is a need for more focus on foundational principles and cases. Others emphasised the need for practical training. For example:

- *I do not believe that over at least the last 15 years law schools have adequately taught the foundational principles and important cases to their students so that the vast majority of those who graduate do so with an adequate basic understanding of the law. When a law school awards a law degree, it holds the graduate out as at least having that. I own painful experiences that that is often not the case including, in one recent experience...*
- *Law schools would do well to focus considerably more attention on teaching the foundational principles and cases in each subject area, and ensuring that graduates have learned them.*
- *I don't think they are job ready - they know foundational information but the practical training is lacking.*
- *It is difficult for graduates to integrate into the workforce. They have a lot of foundational knowledge of what laws are and why but a lot of this knowledge is useful in assessing and taking court action, rather than practical day-to-day legal work.*
- *Expectations of instant gratification need to change. The practice of law is an art, not a skill, that is developed over time that cannot be accelerated without the loss of foundational and customer centric skills.*
- *Law graduates are being severely disadvantaged in the open market. Boutique and smaller firms simply cannot hire grads without experience because law degrees at best provide a foundation of law. This leaves graduates without experience ending up in top tier graduate programs that eventually burn many of them out.*

However, the quantitative survey data showed that the majority (more than 51%) of respondents answered "yes" to the question: **"Do law graduates and entry level solicitors in private practice have foundational understanding of the substantive areas of law?"** Of some concern may be that more than 37% answered "no" and nearly 12% were unsure, which is reflected in the comments above.

## Suggested Reforms

- *Perhaps some drafting of contractual documents and written submissions in disputed matters as assessment tasks "built in" to substantive law subjects.*
- *Practical application of substantive law.*
- *Law schools would do well to focus considerably more attention on teaching the foundational principles and cases in each subject area, and ensuring that graduates have learned them.*
- *Undergraduate degrees might place more importance on practical work. ...Rather than such an emphasis on historical applications of the law. Which is vital foundational knowledge but there needs to be a greater balance weighing towards practicality.*
- *Better assessment requirements to solidify substantive legal knowledge or basic concepts.*
- *Law degrees should prepare students for real life legal tasks ... on top of a solid theoretical and practical understanding of substantive areas of law.*

The following word cloud diagram depicts the range of some of the respondents' concerns and highlights many of the skills identified as missing. The bigger and bolder the word appears, the more often it was used by the respondents in the survey.

**Figure 17: Missing Skills Word Cloud**



## B. OTHER EMERGING THEMES

## A Gap in Expectations

A dichotomy between the expectations of entry level solicitors and their employers emerged from the survey findings. This was borne out by respondents' further comments in the focus groups.

### a. Unrealistic Expectations by Employers

The qualitative survey data reflected a perception by some that employers in private practice had unrealistic expectations of law graduates and entry level solicitors. Respondents raised the following viewpoints in this regard:

- *Law students are taught the skills they need but the flaws appear to result from the individual personality or the unreasonable expectations of senior practitioners.*
- *Senior practitioners need to adjust their expectations to be more reasonable.*
- *It's not about more being expected of law graduates but the expectations being more realistic.*
- *Most junior lawyers are hard working and eager to succeed. The profession needs to be better at cultivating those qualities to create an environment for juniors to thrive - this is structural and cultural - encourage wellbeing and collegiality, ensure good mentorship, discourage burnout or unhealthy work behaviour.*
- *There is limited information on what exactly a new lawyer should be doing. I have found this difficult working in a small firm [1 year PAE] as I feel like my learning has been all over the place, there is also limited real information on how pay should work. As a graduate when I started (currently 1 year PAE) I currently get paid slightly more than a receptionist which is to be quite frank disgraceful.*

#### **b. Unrealistic Expectations by Law Graduates and Entry Level Solicitors**

Conversely, there were some strong views expressed on perceived unrealistic expectations by law graduates and entry level solicitors in private practice, as reflected in the following comments about missing skills/misconceptions:

- *There is a common misconception that having a law degree makes you a solicitor. Knowing the law and being a solicitor are 2 different skill sets and knowing the law, I believe, only attributes about 20% to the skill set of being a solicitor.*
- *They have absolutely no idea that their actions must be in accordance with the LPA and what that means for them... They also want \$100k and to work from 9 till 2 with gym membership and work from home whenever they feel like not coming into the office.*
- *We have noticed a significant decline in the abilities and competencies of clerks and newly admitted solicitors since articles of clerkship were abandoned. We have attempted to employ newly admitted solicitors and have them train as if they were a clerk however the majority have higher expectations of their worth and ability than what is demonstrated in practise.*
- *Ability to accept that small law firms only pay about \$40,000- \$50,000 a year in wages and expect about a 45 hr week's worth of work and/or billings of 3-5 times their wages without a secretary being provided and including carrying out conveyances which are only charged at quoted fees of about 1/3 to 1/2 of the required work level.*
- *Dedication and commitment to stick it out and learn. They think the grass is greener on the other side. Their salary expectation is not comparative to their dedication to put in the hours of work needed to bill the 3.5 to 4 times their salary.*
- *Junior Solicitors need to be realistic about their abilities and lack of knowledge and skill in applying it to practical situations. I am tired of dealing with the self assured law graduate who does not respect the value of training on the job and puts their expectation of high salary above their need for ongoing professional development and mentoring... [W]e cannot compete with the lure of high salary and prestige of the city firms, where initial wages may be higher but progression slower.*
- *There is a disconnect between what junior lawyers think they are capable of and what they are in fact capable of. Some are brilliant and have a natural 'legal sense'. The majority, however, are clueless about what is required of them as lawyers. Unfortunately, becoming a good lawyer requires time in law firms, learning how things operate in practice and learning how to balance the competing demands of multiple clients and deadlines. It is sometimes not easy for senior lawyers to do that well, let alone very junior lawyers. They should receive a longer period of practical training before they are admitted and are held out as solicitors.*
- *There appears to be a disconnect between what law graduates expect the law to look like and what private practice is.*
- *Expectations of instant gratification need to change. The practice of law is an art, not a skill, that is developed over time that cannot be accelerated without the loss of foundational and customer centric skills.*
- *Expected wages are too high for what they bring. I need them to work for 2 years to make it financially worthwhile hiring a graduate.*
- *Graduates often arrive with a sense of entitlement that is not comparable with expertise and/or experience.*
- *They cannot come straight out of PLT and think they are 6 foot tall and bullet proof. They cannot think that they have the same ability as a senior practitioner of 20+ years.*

- *They often think they know more than they actually know, or perhaps they just don't appreciate how little they know.*
- *Law students/graduates could use more information allowing them to align their expectations with what the market is presently offering early career lawyers.*

### c. Disparities in Wage Expectations

Aligned with the gap in expectations between employers and entry level solicitors was the issue of wages. Employers felt that law graduates and entry level solicitors' wage expectations exceeded their capabilities, as reflected in the following comments:

- *Expected wages is too high for what they bring. I need them to work for 2 years to make it financially worthwhile hiring a graduate.*
- *Focus on the job satisfaction rather than potential for high income.*
- *Level of business acumen is very low. Reintroduce a graduate year with low expectation of pay level to match low level of knowledge*
- *A much longer period of practical legal training or alternatively work experience is required, as well as reform of the Legal Services Award to better enable senior practitioners to support the development of skills to the required standards. Presently, wages are required to be paid that are not commensurate with the entry level skills of graduates who have hardly seen the inside of a legal office.*
- *It would be helpful if young lawyers were properly advised of their value and worth to a firm in the first couple of years, and the impact of the removal of articles, as I think this would give them a more realistic understand of their own expectations. Graduates want to jump into running their own files and matters with zero experience, and be paid accordingly. They simply don't seem to be aware that for the first two years of restricted practice they are a cost centre, not a profit one. Perhaps including 2 year PAE lawyers in the modern award with realistic salaries would assist with this.*
- *Most graduates coming out of the PLT system are not equipped for legal practice and certainly not as solicitors. The PLT and the organisations running them are churning out graduates ready for immediate admission and charging a significant amount of money to do so, however, it is the profession that then has to spend significant time and significant resources ensuring they are able to practice law as their admission certificate says they can. Wages are also being demanded because the candidates are admitted lawyers salaries far in excess of the candidates actual ability.*
- *They are not job ready. First year wage, especially combined with firm paying \$9k LPC fee, risks making it uncommercial to hire grads.*
- *We have attempted to employ newly admitted solicitors and have them train as if they were a clerk however the majority have higher expectations of their worth and ability than what is demonstrated in practise.*

### More Support Required from the Profession for Law Graduates

There were several comments regarding the need to provide ongoing training for law graduates once they enter private practice, as well as a recognition of the costs involved for law firms. Additionally, some respondents suggested QLS support is needed in this endeavour, for example:

- *It is for private practice firms to look after their graduates, respect their private time, and ensure they have the opportunity to have a healthy work life balance. Too often, I see promising graduates burn out and leave private practice to present their mental health and wellbeing. It's a real problem with private practice.*
- *I believe more onus needs to be placed on the firms initially to prepare the graduates for their career.*
- *Perhaps there needs to be more formalised practical legal training - ie for employers/supervisors to tick off teaching various tasks to graduates, as the most valuable learning, in my view, is on the job.*
- *There is a limit to how much any human can understand the particular aspects of being an effective legal practitioner - that only comes from a number of years working with an engaged and interested mentor senior practitioner.*
- *Not sure if reforms are the answer. There's just a lot to learn even after university and no everyone is committed to more learning after university.*

- *Senior practitioners need to change their approach and remember that they are mentoring and supervising a junior employee who needs support and encouragement. No new lawyer can be expected to have the knowledge and experience of someone with 5 years' experience.*
- *This survey seems to be assessing skills that are above what is required at entry level. The profession needs to take some responsibility for giving graduates experience to develop skills. The formal education requirements should give the space for students to become a well-rounded person. Not hot house them into money making networking machines.*
- *You cannot expect a law graduate or entry level solicitor who has no experience in a law firm to be across all of the skills in this survey. To expect that shows that perhaps the larger issue is Principal Solicitors or Directors not having the requisite skills to run a successful business. If anything, these practitioners who own firms need assistance and training in handling and training staff.*
- *I think [entry level solicitors] are keen and ready to learn. We cannot expect them to be 100% polished on day 1. There is a lot of on the job learning that comes through experience and mentoring.*
- *Costs are inhibiting [law firms] from accommodating placements and employing entry level solicitors.*
- *A session series provided by (say) QLS should be provided by senior solicitors - and through an employer's lens - to make new graduates at least aware of what employers require. This should form (say) 3 compulsory CPD points for all early career lawyers (ie 5 years PAE or less).*
- *[QLS should provide] incentives for members to take on graduates and undertake training.*

### Bring Back Articles of Clerkship

Many respondents commented on the need for more practical experience, referring specifically to the benefits of articles, as reflected in the following comments:

- *Bring back Articles of Clerkship - this is how to develop these [missing] skills.*
- *By not completing at least 2 years of articles, a Law Graduate is denied the opportunity to learn practical skills whilst working in the environment, before they are admitted to practice. Should be at least 5 years post admission before being permitted to open their own legal office.*
- *I do not believe the PLT is an effective substitute for articles of clerkship. Graduates are expensive to employ and know very little. There are not enough opportunities for trainee solicitors for these reasons. I firmly believe a period of articles with the PLT training is a better model.*
- *Bring back 2 year articles for genuine persons who desire to be a lawyer.*
- *Sadly, this is a casualty of the old process of articles to allow affordable hands-on training for graduates.*
- *Nothing can or will ever replace experience. The worst thing that ever happened to the profession was the abolition of 5 year Articles.*
- *Articles need to be brought back. PLT is not a useful exercise.*
- *They are missing really important skills that can only be taught via on the job training - articles should be re-implemented to ensure that competencies are met.*
- *I am an advocate of bringing back articles of clerkship.*
- *We have noticed a significant decline in the abilities and competencies of clerks and newly admitted solicitors since articles of clerkship were abandoned.*
- *A one year period of clerkship combined with PLT. This would provide more employment opportunities for graduates as well.*
- *A period of real world, practical training, within a law firm, would go some way to better preparing law graduates and entry level solicitors for practice.*
- *A system similar to 1-2 years articles need to be re-adopted. University courses on their own do not produce competencies that translate into practice. Graduates would be better for being part of the profession on a basic level.*
- *Articles returned or paid work experience of more than 12 months.*
- *Bring back articles of clerkship with a proper mentoring program in place.*



- *Bring back the apprenticeship i.e Articles of Clerkship or similar. One of the biggest retrograde steps was getting rid of it and putting them through a 6 month course... Graduates/newly admitted lawyers are simply not job ready*
- *While this view may not be popular, a return to something like the previous articles system or at least a much longer period of practical in firm training is required.*
- *We would hire more grads if a 2 year article program were reinstated.*
- *It is VERY clear the difference between a PLT student and an articulated clerk. Articles definitely produced better 'work-ready' lawyers who were infinitely more beneficial from day 1. Restricted practice has essentially become articles by another name.*

### PLT Shortfalls

There were also many comments on what is lacking in the Graduate Diploma in Legal Practice (GDLP) or PLT. Most of the comments criticised the lack of practical training, as was apparent from these comments:

- *A lot of the finer procedural processes, particularly relating to court appearances and other such things as case conferencing are missing from the PLT. E.g. Registry committal was never mentioned, neither was the new procedure for court committal. I was taught what happens in court is wildly different to reality.*
- *Most of the business skills are missing. An employer would need to teach them from scratch. I was taught from scratch by my employer after completing the PLT program.*
- *I do not believe the PLT is an effective substitute for articles of clerkship. Graduates are expensive to employ and know very little. There are not enough opportunities for trainee solicitors for these reasons. I firmly believe a period of articles with the PLT training is a better model.*
- *I feel that PLT doesn't teach anything nor does undergraduate... It's just theory, theory, theory. There's one practical "mock" task to do and it's never explained properly or given feedback. It's a tick the box situation.*
- *The only way to really gain an understanding of the procedural side of law is to work in the industry. PLT alone is insufficient practical training.*
- *PLT is not a useful exercise.*
- *Spelling, syntax and general grammar skills are lacking in the majority of PLT students and graduate lawyers in our practice. It is disappointing to spend significant time addressing these issues before beginning to provide feedback on the legal advice itself.*
- *There is quite a difference between someone straight out of PLT and someone who has had prior experience in a firm - more than the month through PLT. Confidence in running a file independently is the main thing. PLT did not equip our most recent graduate with sufficient commercial skills for our corporate and commercial practice.*
- *The Graduate Diploma of Legal Practice - although still academic - needs to be skills competence based - not time based or academic writing based.*

### Priestley 11 Comments

Respondents identified a number of concerns raised regarding the Priestley 11's failure to address what some regarded as important areas of law, such as: Succession Law (there were many comments about this area); Criminal Law; Commercial Law; Insurance Law; Tax Law and Employment Law. Examples of comments were:

- *[There is a] lack of study in all areas of practise so no skills in succession or family law etc conveyancing and their interaction.*
- *Many new starters have little or no understanding of important concepts in the corporate and commercial practice area, such as restraint of trade, intellectual property and the basics of drafting agreements.*
- *The variety of subjects now offered means graduates have knowledge of all sorts of laws, but often not the ones they need for practice (eg commercial law, insurance law, tax law).*
- *Also, I think some of the subjects that dropped out of the requirements for admission of solicitors with the Priestly 11 need to be put back, eg succession law.*
- *Most skills are refined in practice. University needs to provide broad set of exposure. For example, [I am] stunned that graduates can leave university without any stamp duty or tax knowledge. Personally preferred degree model with prescriptive 28 subjects of 32 model.*

## C. TRAINING PROVIDED BY LAW FIRMS

Survey respondents noted the following areas of training currently provided in their law firms related to the skills below:

**Table 2: Training by Law Firms**

Skills	Training Provided by Law Firms
Professional and ethical decision-making	<ul style="list-style-type: none"> <li>• Tax issues, conflict and ethics issues.</li> <li>• Legal knowledge, practice management, business skills and ethics.</li> <li>• Ethical vs Commercial Matters.</li> <li>• Development of skills and ethics.</li> <li>• Professional obligations and ethics.</li> <li>• Client liaison and engagement basics, contract law basics, litigation basics, ethics basics.</li> <li>• Liability and ethics procedures.</li> </ul>
Identifies and avoids conflicts of interest	<ul style="list-style-type: none"> <li>• Training for conflict issues.</li> </ul>
Drafting quality legal letters, advices and other documents	<ul style="list-style-type: none"> <li>• Senior solicitors such as partners and special counsels host internal seminars on key topics such as "how to draft affidavits", "how to deal with [insert section] of the UCPR/Evidence Act/ etc", "how to draft a good witness statement", etc.</li> <li>• Training and extensive detailed supervision (including shadowing, buddying, all written work collaboratively prepared and signed off...).</li> </ul>
Dispute resolution skills	<ul style="list-style-type: none"> <li>• Access to formal negotiation skills and advocacy training.</li> </ul>
Legal research and fact gathering skills	<ul style="list-style-type: none"> <li>• Developed legal research and fact gathering skills.</li> <li>• We provide problems, which the graduates must research and think through to answer. The answers are then discussed in a group session.</li> </ul>
Generates strategies to implement solutions to problems	<ul style="list-style-type: none"> <li>• Coaching in communication with clients to identify needs and how we can best assist with practical solutions.</li> <li>• Practical hands-on training in the management of clients and files, delegation, how to identify time and cost-effective resolutions.</li> <li>• Communication with clients to identify needs and how we can best assist with practical solutions.</li> </ul>
Accurate and informative recording of time	<ul style="list-style-type: none"> <li>• Internal training for time recording.</li> </ul>
Ability to work cooperatively	<ul style="list-style-type: none"> <li>• Skills development and appreciation of support staff to understand how the team dynamics works first.</li> <li>• The general background of the work the teams engage with is provided.</li> <li>• One on one, team training.</li> <li>• ... training [on] written work collaboratively prepared and signed off.</li> </ul>
Ability to manage files	<ul style="list-style-type: none"> <li>• File management.</li> <li>• Learning routine tasks such as importance of file management and reviews.</li> </ul>



	<ul style="list-style-type: none"> <li>• File management/hygiene.</li> <li>• Realistic file management.</li> </ul>
Self-management	<ul style="list-style-type: none"> <li>• Soft skills - resilience, networking.</li> <li>• Support both in content and personal growth to ensure that they are managing the rigorous practice of law in a way which teaches them to manage not only the professional but personal stress of being part of this profession.</li> </ul>
Understanding fiduciary and other trust accounting duties, rendering bills	<ul style="list-style-type: none"> <li>• Firm financial training re: trust accounts/billings/debtors/costs agreements.</li> <li>• Trust account refreshers.</li> <li>• Billing.</li> </ul>
Seeks out feedback, is self-reflective and responsive to coaching	<ul style="list-style-type: none"> <li>• Constructive feedback.</li> <li>• All work is double handled and on-the-job feedback provided to enable the law graduate to develop appropriate skills.</li> <li>• Letting them do various tasks and practice those tasks under supervision with a cycle of feedback.</li> <li>• Informal training and feedback on the job.</li> </ul>
Stakeholder relationship management skills	<ul style="list-style-type: none"> <li>• Learn through observation in highly difficult and complex client/stakeholder engagements.</li> <li>• Working effectively with stakeholders who experience barriers to participation in legal processes.</li> </ul>
Understanding the importance of networking through business development and marketing	<ul style="list-style-type: none"> <li>• Client service and networking/marketing.</li> <li>• Soft skills - networking, building their brand, being commercial.</li> <li>• Networking events.</li> </ul>
Ability to work independently	<ul style="list-style-type: none"> <li>• Encourage lateral and independent thinking and interactions with real world clients.</li> </ul>
Understanding of the benefits and use of technology	<ul style="list-style-type: none"> <li>• Information technology systems.</li> <li>• Technical and technology skills.</li> <li>• On the job IT skills.</li> </ul>
Foundational Understanding of Law	<ul style="list-style-type: none"> <li>• Substantive law and practical skills.</li> <li>• Substantive law topics.</li> <li>• Substantive law training.</li> <li>• continual professional development (CPD) on both substantive law and practical skills.</li> <li>• Face to face away substantive law specified topic training.</li> <li>• Advice, referrals to source materials from which to learn foundational principles and to identify important cases, and explanations of those principles, and their application in real-time.</li> </ul>

*‘Small practices do not have the time or the resources to teach job readiness; this training should be given prior to the admittance of recently graduated solicitors’*

## 3.2 FOCUS GROUPS

After completion of the survey, online focus groups were held with respondents who volunteered to participate. The purpose of the focus groups was to illuminate and supplement the findings in the survey. A total of 27 participants took part in five focus groups. These groups, although small in number, provided valuable further insight into the online survey results. Focus groups of approximately 1 hour in length took place online via Zoom, between 22 July – 1 August 2022, and were facilitated by an independent Research Assistant, Dr Gaelle Brotto. All participants provided their informed consent as per the ethics approval process. Focus group discussions were recorded on Zoom, after which the contents were transcribed, de-identified and the qualitative data stored securely in accordance with Bond University data management protocol. The qualitative data was exported into NVivo software for qualitative analysis, after which a desktop analysis was conducted by the Bond research team to further explore the issues raised during the survey. Participants’ comments were considered in relation to the missing skills identified during the analysis of the qualitative survey data, and additional themes were noted.

### Limitations

These comments may not reflect the majority views of the legal profession in Queensland and are provided as a sample of comments made by focus group participants who chose to provide responses to these questions. Comments and suggestions for reform are indicative of the perceptions of specific survey respondents and not the profession as a whole. However, they provide further insights into concerns raised in the survey and indicative comments by members of specific demographic groups in terms of their seniority in the profession.

### Focus Group Questions

The following questions were put to the focus groups:

- 1. In what ways are entry level lawyers ready for employment?**
- 2. In terms of the concerns you do have what are the ones that stand out for you?**
- 3. If you had a wish list what would be your top two suggestions to improve the job readiness of entry level lawyers?**

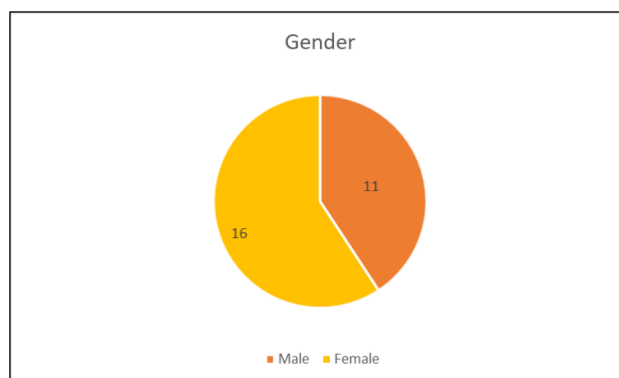
### Demographics

The focus groups were comprised of the following demographic groups:

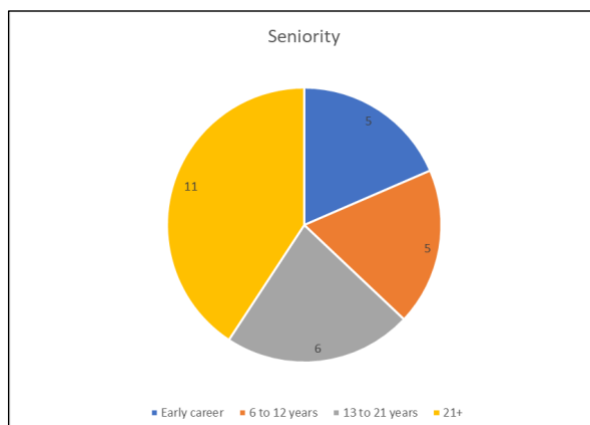
**Table 3: Focus Groups**

Focus Groups	Demographics
Focus Group 1	Early Career Lawyers (1-5 Years of Experience)
Focus Group 2	Career Builders (6-12 Years of Experience)
Focus Group 3	Secure Achievers (13-20 Years of Experience)
Focus Group 4	Pinnacle Practitioners (21+ Years of Experience)
Focus Group 5	Mixed Group

The Mixed Group was facilitated to accommodate practitioners who were unable to attend their allocated demographic group discussion but who wished to contribute. The focus group demographics in respect of gender and seniority are set out in the pie graphs below.

**Figure 18: Gender – Focus Groups**

Thus, approximately 59% of the focus group participants were female and 41% male. This broadly correlated with the reported representation in the survey, where 57% of respondents identified as female, 39% as male and 4% preferred not to disclose their gender.

**Figure 19: Seniority – Focus Groups**

Pinnacle Practitioners (21+ years) had the highest representation, comprising almost 41% of focus group participants, as opposed to Secure Achievers (13-20 years) (22%), Early Career Lawyers (0-5 years) (18.5%), and Career Builders (6-12 years) (18.5%).

## A. Summary of Individual Focus Group Responses

The focus group data can be summarised as follows:

### Focus Group 1: 'Early Career Lawyers' (1 to 5 Years of Experience)

In their responses to question 1, ***In What Ways Are Entry Level Lawyers Ready for Employment***, participants focused on graduate skills and the advantage of having work experience prior to entering practice. On the positive side, Early Career Lawyers noted that computer literacy and research skills were generally strong; however, they were of the view that there was a lack of knowledge how to use tools which gained practice. Early Career Lawyers expressed their frustration in relation to the expectation gaps between entry level lawyers and employers, e.g. *'They expect you to know everything, but there is such a difference between theory and practice, and no one wants to go into that practical side of things.'*

In response to question 2, **Main concerns about Job Readiness in Entry Level Lawyers**, Early Career Lawyers felt that the education received was inadequate for practice due to the lack of practical skills attained. This group referred to their inability to gain work experience and the lack of job prospects generally as a new lawyer. Some Early Career Lawyers were also critical of inadequate mentoring and supervision when in the job. Participants in this focus group raised the lack of practicality of the education and training received in their education, including specific skills around court procedure, drafting documents such as submissions and affidavits and understanding cost assessment procedures.

In response to question 3, **Main Suggestions to Improve Job Readiness**, a number of Early Career Lawyers raised articles of clerkship as an alternative to the current training framework, because of the financial pressures on Early Career Lawyers and the fact that most PLT work experience is unpaid, e.g. *'it should be paid positions. I mean, if you're a doctor, when you come out of medical school, you're paid as an intern position and it's a position under supervision. Those programs are built in because it makes better doctors. There should be similar situations with lawyers because it makes better lawyers'*. Some participants suggested that firms could be offered discounted practicing certificates and insurance fees as an incentive to take on articulated law clerks. Participants raised concerns as to the number of lawyers being admitted and questioned whether there are enough firms to accommodate all graduates.

Suggestions from Early Career Lawyers to improve job readiness of entry level lawyers focused on greater integration between theory and practical learning to address what they perceived as a gap between practical legal training and job readiness. They also observed the need for more contribution from the wider profession, including a *'certain level of buy-in across the profession as a whole'*.

#### Focus Group 2: 'Career Builders' (6 to 12 Years of Experience)

Career Builders were extremely responsive to the focus group questions. Responses to question 1, **In What Ways Are Entry Level Lawyers Ready for Employment**, participants in the Career Builders focus group were similar to those of Early Career Lawyers, referring to computer literacy, research skills and the ability of graduates to locate forms and other resources as positive attributes.

It was evident that participants in this group were more likely to directly supervise entry level lawyers with many comments in response to the question 2, **Main concerns about Job Readiness in Entry Level Lawyers**, referring to inadequate skills and a lack of practical knowledge. As Early Career Lawyers raised, having previous work experience was identified as an important factor in Career Builders' decision to employ entry level lawyers. This group highlighted non-technical skills lacking in entry level lawyers, including attention to detail, basic office skills, problem solving, time management, confidence, communication skills and people management skills. A number of participants made reference to the adversarial approach of entry level lawyers, noting that in practice a collaborative approach was more conducive to getting a good outcome. This group also made reference to entry level lawyers' unrealistic expectations about the work involved in legal practice and their unrealistic salary expectations (given their lack of experience).

In response to question 3, **Main Suggestions to Improve Job Readiness**, Career Builders in the group discussed changes needed to provide more training in university and PLT courses, referring to the fact that *'there's such a disconnect between what they did at uni and what they're doing practically, that they lose interest, and they don't want to be there anymore'*. Concern was expressed about this disconnect between what is taught at university and what is relevant to the profession, and the impact on Early Career Lawyers being ill-prepared for practice e.g. *'there's just such a huge disconnect between what's taught at uni and what's relevant in the Profession'*. The participants identified the need for practical-based rather than theoretical, assignment-based assessment. This group also raised articles of clerkship as an alternative to PLT and made comments similar to the Early Career Lawyers group in relation to the need for trainees to receive a salary while undertaking training, and firms being provided with financial support to subsidize trainees' salaries, e.g. *'Much like an apprenticeship' or government/ HECS type funding paid to the trainee and/or the firm during the training period'*.

Suggestions included the value of having a longer placement period of at least twelve months to address difficulties Early Career Lawyers experience in obtaining work and to provide them with realistic expectations about what legal

practice involves. Similar to the Early Career Lawyers focus group, participants referred to the need for the profession to become more involved in the training of new lawyers.

### Focus Group 3: 'Secure Achiever' (13 to 20 Years of Experience)

In their responses to question 1, ***In What Ways Are Entry Level Lawyers Ready for Employment***, participants in the Secure Achiever focus group acknowledged that the law degree equipped Early Career Lawyers to think like a lawyer and agreed that most have self-confidence and are ready and eager to learn. Similar to the Career Builders focus group, the participants in this focus group highlighted the significance of work experience particularly in relation to managing early career lawyers' expectations about legal practice.

Responses to the question 2, ***Main concerns about Job Readiness in Entry Level Lawyers***, echoed similar challenges raised by the other focus groups, including the lack of practical skills and the expectation gap between what Early Career Lawyers expect from a workplace and the reality of legal practice, e.g., *'if you're not managing that expectation correctly, that's when you just start getting performance issues'*. Participants in this group identified the lack of practical skills of entry level lawyers as their main concern; including client and people skills, and communication skills (being able to pick up the phone and speak to people). Suggestions included incorporating PLT into university degrees and more practice-based assessments as opposed to theory-based assessments. The participants also identified the need to show law students legal documents, including REIQ contracts, wills, and other forms used in practice.

In response to question 3, ***Main Suggestions to Improve Job Readiness***, Secure Achievers had similar suggestions to the Career Builders focus group, including the need for assessments during university to be aligned to the practice of law by being more practical and increasing the length of practical legal training (ranging from three months to twelve months). Participants suggested that universities better manage entry level lawyers' expectations about legal practice throughout the law degree and also the various careers available within the law, as *'It doesn't always have to be in a firm'*. Many emphasized the time and effort required from firms to train entry level lawyers and felt that more on the job training should occur during the degree to take the burden off firms who have currently have to provide training in basic legal skills so that graduates are *'job ready, having those practical skills to be able to hit the ground running'*.

In line with the desire for more practical experience through the degree, mention was made by the participants in this focus group of the role universities could play in providing legal clinics and facilitating more involvement of law students in community legal centres. Some participants favoured law degrees only being offered as a post graduate degree to enhance life experience of entry level lawyers. Interestingly, although one participant of this focus group mentioned articles of clerkship, they did not discuss reintroducing articles as a suggestion to improve the job readiness of entry level lawyers. However, given the nature of focus group discussions and the limited time available for participation, this does not mean that it would not have been a consideration for them.

### Focus Group 4: 'Pinnacle Practitioner' (21 Years Plus Years of Experience)

In response to question 1, ***In What Ways Are Entry Level Lawyers Ready for Employment***, participants in the Pinnacle Practitioner focus group were positive about graduates' general understanding of substantive law, their ability to research, and ability to use technology. Similar to the Career Builders and Secure Achiever focus groups the Pinnacle Practitioners focus group noted the significance of previous legal work experience - or in the case of mature age students, life skills gained prior to entering legal studies - being a consideration in their decision to hire early career lawyers.

This focus group had many responses to the question 2, ***Main concerns about Job Readiness in Entry Level Lawyers***. Participants expressed concerns about lack of basic skills, problem solving skills, and managing clients and people, e.g. *'they're terrified of a phone line. They won't pick up the phone to call someone'*. They were also concerned about the lack of business acumen, e.g., *'we all operate our businesses within a business context. And to me, what's really missing is almost any understanding of that context'*. They highlighted writing ability as a concern, including spelling, grammar, and punctuation. The Pinnacle Practitioners were critical of current education levels and noted that there

were *'big gaps'* in the education and training of entry level lawyers. The participants echoed similar challenges raised by the other focus groups including the expectation gap, or in this focus group, what they referred to as a *'a mismatch of expectations'* between what early career lawyers expected from a workplace in terms of what they felt ready to do and what employers expected from them.

Participants of this focus group also identified the lack of practical skills similar to the other focus groups and suggested that improved education and practical training was required, including blending the practical and theoretical learning with *'the training and learning become almost blended so that they're working side by side'*. They referred to the training of a doctor by comparison: *'I'm almost thinking a little bit more like the way doctors are trained. So, the training in medicine, which I know has come up often in these sorts of discussions. But that sort of theoretical practice, to me, just reinforces constantly what you're learning that would overcome some of those deficits'*. They again echoed comments of the Secure Achiever focus group that training should be undertaken prior to commencing work: *'the costs of small, medium and large firms in training people to get them ready for being a practitioner, is something that should be done before they get there, and before they're admitted'*. They were also of the view that the profession needs to be more involved in the education and training of law students and that practical training should be twelve months long, similar to other focus groups.

The participants in this focus group echoed other focus groups noting that the whole profession has to contribute to improve the current situation, and that *'It can't fall just to the law schools, and it can't fall just to the PLT providers'* and *'too often we've thought in silos. This is the academic part, this is now the practical part, now you're off in practice'* noting that *'if we really want a contemporary solution, everybody that's got a stake in this needs to be looking at the solution together'*.

In response to question 3, **Main Suggestions to Improve Job Readiness**, when it came to practical suggestions the Pinnacle Practitioners wanted more compulsory subjects in the law degree to improve the foundations for the practice of law, e.g. *'when I did a law degree, I think you had two electives; everything else was prescribed. And so, you did family law, you did tax, you did succession, securities. You did things that are important to practice as a lawyer, maybe not in your area especially, but as being a lawyer generally'*. They also wanted to increase the prerequisites for admission, suggesting admission requirements should be revisited.

Interestingly, although members of this focus group likely practiced law during the period when most law graduates undertook articles of clerkship (with the articles system ending in Queensland about 20 years ago), they did not discuss reintroducing articles as a suggestion to improve the job readiness of entry level lawyers, although a couple of members of this focus group acknowledged having been an articulated clerk. However, given the nature of focus group discussions and the limited time for participation this does not mean that it would not have been a consideration for them.

#### **Focus Group 5: (Mixed Years of Experience)**

Focus group 5 was a group with participants having mixed years of experience, who were unable to attend their allocated focus group. In response to question 1, **In What Ways Are Entry Level Lawyers Ready for Employment**, participants in the mixed focus group were positive about entry level lawyers' understanding of ethical obligations as a practitioner, as well as their confidence. This group also referred to the significance of previous legal work experience as a feature of readiness for practice.

Responses to the question 2, **Main concerns about Job Readiness in Entry Level Lawyers**, echoed similar challenges raised by the other focus groups, including the lack of client management skills, and a lack of social and personal skills. Similar to the other focus groups, participants in the mixed group referred to the lack of practical skills, such as interviewing clients, court protocol knowledge and letter writing skills. The mixed focus group participants spoke about the lack of mentorship and supervision and having stricter supervision of entry level lawyers, e.g. *'Because there is that safety net then, to make mistakes in a safe way. That they have someone there who's going to catch them.'*

In response to question 3, **Main Suggestions to Improve Job Readiness**, the mixed group had similar suggestions to the other focus groups including more practical focused training in PLT and utilising practitioners as PLT instructors. Interestingly, they were not of the view that there should be any changes to the length of PLT. Although participants in



this focus group mentioned articles of clerkship in the context of the training that was provided, e.g. *'I love articles, and I'm not saying we need to go back to articles, specifically, but in articles, the young lawyers, the young article clerks, we had a chance to build relationships with the people in the profession that were helping, helpful relationships'*, they did not discuss reintroducing articles as a suggestion to improve the job readiness of entry level lawyers. However, given the nature of focus group discussions and the limited time for participation this does not mean that this does not mean that it would not have been a consideration for them.

This focus group also suggested that the whole profession has to be involved in changes to legal education and training of entry level lawyers, mirroring the comments made by the other focus groups. The participants in the mixed group spoke about losing young lawyers to other professions or careers because they are not prepared, and the stress that places on entry level lawyers, noting: *'I think the fact that a lot of us are really passionate about it is evidence how strongly we feel, because I truly don't have time. But I was like, "I am making time for this!" it's such an important area for our young lawyers. We're losing them. We're losing the good ones, and this is why we're losing them'*.

## B. Focus Group Analysis Based on Skills Categories

Relevant comments by focus group participants in relation to the skills categories used in the online survey are discussed below. Where no relevant comments were recorded in relation to a particular skill, that skill has been omitted.

### Comments related to 'Core Values'

#### Professional and ethical decision-making

In relation to core values, the only theme that emerged from the focus group discussions was on the topic of professional and ethical decision-making, with participants offering mixed responses. There were several positive comments on ethics by the Mixed Group participants in response to the question 'In what ways are entry level lawyers ready for employment?', stating that:

- *'You're walking out of PLT knowing your ethical obligations'*.
- *'The only thing that I can really think of that I walked out of PLT and uni knowing, was you get drilled into you about ethics, which is important'*.
- *'Th[e] ethics side of things, and the trust accounting, that's probably the one positive that I can think of'*.

However, in terms of concerns, some of the Career Builders (6-12 years) were of the view that law graduates and entry level solicitors lacked skills in this area, such as: understanding what an ethical lawyer is; having regard for the Professional Conduct rules; fundamental professional and ethics skills; understanding boundaries in a law office; and *'not being a mouthpiece for your client but being a trusted legal adviser'*. These concerns aligned with the comments made in the online survey. On their wish list for improvements were:

- *'At least working in a professional setting as a number one, because that is so key to being able to function in real life, in real practice'*.
- *'Perhaps they should be doing professional responsibility in the first year, not the last year [of their degree]'*.

### Comments related to 'Lawyer's Skills'

#### Effective written communication in plain English and drafting quality legal letters, advices and other documents

An important theme that emerged in the focus group discussions - aligning with the survey results - was that law graduates and entry level solicitors may lack writing skills that are more relevant for a legal office compared to academic writing. A comment from a participant in the Secure Achievers Group (13-20 years) reflected this problem: *'I want the graduates to*



*be able to draft correspondence, whether it's an email or a letter in plain English. I don't want long sentences to make up a word count.'* More practice-based assessment was suggested by this group as a possible improvement.

In general, the concerns expressed by focus group participants echoed the comments in the survey. In particular, the Career Builders Group (6-12 years) expressed the concerns about grammatical and spelling errors in letters, as well as a lack of ability to write file notes.

Pinnacle Practitioners (21+ years) shared these concerns in respect of effective written communication, spelling, grammar and punctuation. For example, one participant stated that: *'The communication ability is, written communication especially, of the graduates that we're seeing now is terrible'*, while another said, *'Grammar, punctuation, spelling is what you'd expect of a grade 10 person, I think, not a university graduate'*. A lack of consideration for client circumstances and the holistic context of providing advice was noted as another shortcoming in law graduates and entry level solicitors.

In addition, the Mixed Group identified a lack of letter writing and appropriate email drafting skills as a concern, which aligned with missing skills identified in the survey.

### **Dispute resolution skills**

There were no specific comments about dispute resolution or mediation. However, Early Career Lawyer (1-5 years) articulated their own confusion about dispute resolution and court processes in general when entering practice: *'...the process of a particular matter ... You've got a matter in the District Court and it's about the sale of a property, like what happens next? What's the whole process of getting there? Like how does dispute resolution integrate? How does anything integrate? Like how do you get from A-Z'*

### **Developed legal research and fact gathering skills**

Aligning with the survey results, comments by focus group participants reflected an overwhelmingly positive view of law graduates and entry level solicitors' legal research and fact gathering skills. For example, an Early Career Lawyer (1-5 years) said: *'When it comes to ... research tasks, because a law degree is a very theory driven degree, I think that law graduates do come out with ... the knowledge of where to go to find the answers in a broad sense'*.

One Career Builder (6-12 years) acknowledged that: *'Across the board, they know how to research'*. This sentiment was echoed by participants in the Pinnacle Practitioners Group (21+ years), with comments such as:

- *'They're pretty good for the most part, that the people we've had on research, give them a research task and off they go. And I'll get an answer. They're okay with that'*.
- *'They're outstanding at research'*.
- *'They're far, far more able ... to research any legal question'*.
- *'They're really, really good at their research'*.

### **Legal competency, expertise and knowledge of the law**

There were many comments by focus group participants - echoing concerns raised in the survey - about law graduates and entry level solicitors having either:

- foundational legal knowledge but an inability to use that knowledge in practice; or
- no practical knowledge of the law.

The concerns raised were consistent with the missing skills identified in the online survey and do not need to be repeated here. Additionally, one Career Builder (6-12 years) commented that *'not having any practical application or knowledge ... hinders everything along the way'*, while an Early Career Lawyer (1-5 years) acknowledged that law graduates and entry level solicitors may have *'the knowledge of the tools, though maybe not the knowledge of how to necessarily use them'*.

## **Comments related to 'Problem Solving Skills'**

### **Shows good judgement and common sense in solving problems**

There were a significant number of comments from Career Builders (6-12 years) and Pinnacle Practitioners (21+ years) about law graduates and entry level solicitors needing a 'commercial' perspective.

For example, it was pointed out by a Career Builder that, *'...thinking commercially, I find is something that doesn't come naturally for grads because ... the car might be worth \$20,000 and you're going to sue them for damages but the cost of that process [is important]. Well, it's a commercial decision for the client but thinking about things commercially ... is also something that we as lawyers need to guide our clients on'*.

Another participant said that *'they don't approach things in a commercial or problem-solving manner'*, while another mentioned: *'A client is not one-dimensional. And so, you need to look at things for a client in all different angles to help them out and help them understand their problem in different ways, whether it's a commercial outcome or not, on how to solve it'*.

Comments by some of the Pinnacle Practitioners reflected similar concerns, identifying a lack of *'fundamentals of common sense and working in business, or working for businesses as clients'* in law graduates and entry level solicitors. One of them gave an example of the importance of thinking commercially: *'One of the ... ones we took on [as a solicitor], who was very good academically... and unfortunately, it didn't work out because ... [they] really had no commercial sense at all'*.

### **Generates strategies to implement solutions to problems**

This area appeared to be of particular concern to Career Builders (6-12 years), who raised a number of issues in relation to law graduates and entry level solicitors' ability to generate strategies to implement solutions to problems. Many of them commented that entry level solicitors lack the ability to problem solve, one person referring to *'...their lack of practical problem-solving skills, and thinking outside of the box, and looking at things holistically'*. Examples of other comments by this group were:

- *'They look at everything very black and white, there's no grey area for them, and they don't sort of look outside the box, and they don't look at the whole problem and what the possible solution is...'*
- *'They can't problem solve and use what they already know to figure out something new'*.
- *'They don't approach things in a commercial or problem-solving manner'*.

A Pinnacle Practitioner thought they lacked the ability to *'...[apply] that [strategy] to the problem presented in a manner which you can then present to the client as a viable solution to their problem...'*, illustrating the need for entry level lawyers to think practically about client solutions.

## **Comments related to 'Work Management and Business Skills'**

### **Understanding and managing risk in a legal matter**

This topic did not generate much discussion amongst focus group participants. However, there was some discussion in the Career Builders Group (6-12 years) about risk management by law graduates and entry level solicitors in legal matters. One participant felt that *'they haven't had sufficient practical training in anything to know what they don't know'*. Another speaker thought that *'there needs to be a competitive aspect to the training at university, where there's no safety net, like if I ... have an insurance claim, it's going to be really expensive... You just cannot go from being a law student, where you expect everything to be explained to you ..., to switch mode to that kind of environment...'*

### **Accurate and informative recording of time**

Again, responses on this topic came from the Career Builders Group (6-12 years), noting that newly admitted lawyers did not *'have any concept as to billings, like billable hours and how much they've got to bill...'* and that *'they don't know how to manage their own time, ...which is so crucial with everything because it always has a deadline'*. Reference was also made to the practical component of PLT: *'... 75 days is not enough, because ... they're not learning file management, the correct setup of files, correct record-keeping...'*, indicating some concern about entry level solicitors' ability to accurately record time spent on client matters.

### **Commercial acumen and understanding clients' business and financial arrangements**

There were a few comments relating to these skills which aligned with concerns expressed in the online survey, for example, a lack of understanding of bank statements, understanding how a business operates and concepts like discretionary trusts.

## Comments related to 'People Skills and Self Development'

### Commitment to professional development toward excellence

Interestingly, an Early Career Lawyer (1-5 years) commented on this topic as follows: *'When I look at the people who I work with, who have gone through that supervised period of, I think it's 18 months of structured sort of traineeship, they're far more well- rounded practitioners by the time of admission than I was ... their development is so much more comprehensive than I think people who come through the PLT program'.*

A relevant comment by a Pinnacle Practitioner (21+ years) acknowledged that *'...it has to be realistic about what time is available for practitioners to really spend on working with the next generation, and supporting and assisting their development'.* This observation is a reflection of some comments in the survey pointing to a lack of time on the part of senior practitioners to mentor junior staff.

### Stakeholder relationship management skills

There were a number of comments dealing with law graduates and entry level solicitors' ability to manage stakeholder relationships. An Early Career Lawyer (1-5 years) commented that *'...they haven't learnt sufficient skills when they come out as a grad in how to interact with the others in the office...'.* Other concerns mentioned by the Mixed Group included:

- *'Understanding seniority and how to respectfully engage with other members of your community, given your respect of seniority and rank'.*
- *'Understanding court protocols, and the way to behave in a courtroom'.*
- *'Court protocols, don't leave the bar table empty, don't turn your back on the judge. Stand up and shut up! Watch somebody when they're taking the oath. Be quiet, stop tapping on your computer while someone's giving the oath, ask an older solicitor if you can go first if you're in a hurry. All of those little things they're not ready for, and they really get hammered for...'.*

## Comments related to 'Client Management Skills'

### Ability to interview clients and take clear instructions

Comments by the Mixed Group in relation to law graduates and entry level solicitors' ability to interview clients and take clear instructions aligned with the survey results. The *'capacity to interview a client'* was mentioned as a missing skill, along with *'how to take instructions, how to deal with that first interview, which is always really tough ... no one's training young lawyers to do these things!'* Again, these comments reflected the concerns raised by respondents in the online survey.

## Comments related to 'Personal Skills'

### Possesses initiative

There were some cautionary comments by the Secure Achievers Group (13-20 years) about law graduates and entry level solicitors showing too much confidence. For example:

- *'Confidence can sometimes give them a sense that they can go ahead and issue correspondence without having it checked, or even taking the next steps on a matter, which is great to see the initiative being taken but sometimes they can take a step that you don't want them to do just yet. I've had that happen on only a couple of occasions, but it has incurred costs for the firm'.*
- *'...showing initiative, and then probably going too far, going rogue'.*

These comments reflected a tension between expectations on the part of entry level lawyers and their actual skills levels. However, they also contract other survey comments about a lack of confidence on the part of entry level lawyers.

### Comments related to 'Technological Skills'

#### An understanding of the benefits and use of technology

The focus group comments reflected an acknowledgement that law graduates and entry level solicitors were generally well versed in technological skills. One Career Builder (6-12 years), noted that, *'...because they are a younger generation, [they have] a bit of a better grasp on the technology used'*. A Pinnacle Practitioner (21+ years) was especially impressed by newly admitted lawyers' technological skills, as noted above, stating: *'...they're far, far more able, this generation of young, legal graduates, than any other in terms of ability to use technology to research any legal question'*.

Another commented that it would be useful for newly admitted lawyers to know *'how to use technology in practice, in a way that allows you to ... deliver your services faster, better and cheaper, and spend your time in those areas that most connect to your client and help you be able to spend the sort of time that can resolve their problems and understand them'*.

### Comments related to 'Foundational Understanding of Substantive Law Areas'

There was generally a positive perception on the part of Pinnacle Practitioners (21+ years) with regard to law graduates and entry level solicitors' foundational understanding of substantive law areas. Some of their comments reflect this viewpoint, indicating that *'if they've been taught it, the understanding they have is very solid.'* Other comments contrast these abilities with newly admitted lawyers' lack of business acumen and practical skills, for example:

- *'There's certainly solid understandings of certain areas of law, so the actual substantive law, they're often very good at understanding substantive law issues...'*
- *'The focus is on, for example, things like substantive law knowledge and their research capabilities and even their writing capabilities. But probably much less in terms of their business acumen capabilities and their application and use of technology'*.

### Comments related to the question: 'Overall, are law graduates and entry-level solicitors equipped with the necessary skills for entering the private practice?'

In addition to acknowledging their general competence in technology, Pinnacle Practitioners (21+ years) praised the following skills in newly admitted lawyers: Being able to use a computer; knowing how to track down the format of an affidavit or statutory declaration; being able to identify a title search; being *'good at answering phones sometimes'*; and knowing how to research.

A Pinnacle Practitioner offered the following advice and words of encouragement for newly admitted lawyers:

- *'If there's one message that I would like to convey to graduates, it's that, you don't have to always be right. You don't have to be perfect at everything, lawyers do make mistakes and that's okay. And just to be open to feedback, and those sorts of things, that if you came in and you talked about what you did on a daily basis, then you could convey those messages and help them to understand what you're doing in practice and convey those learnings to them as well. ...not just thinking that the law is the focus and needs to be done in a certain way and it always has to be perfect'*.

In terms of readiness, a Career Builder (6-12 years) commented that *'it depends on what sort of work practice or work experience they've had before they come into the office. So, there's a very big difference between somebody who has never worked in a law office to somebody that has...'* This comment referring to practice-based experience aligned with another comment by a Secure Achiever (13-20 years), who said: *'I think what really would have them better equipped when they graduate, [is] if they're doing more practice-based assessment'*. This observation is also echoed in other comments throughout the survey about the need for more practical experience prior to entering legal practice.

Early Career Lawyers (1-5 years) made the following comments about law graduates and entry level solicitors' readiness for practice, implying that mature age entry level lawyers may be better prepared for practice:

- *'[It] depends on the new lawyers' previous skills and work experience. So, it's one thing to say new lawyers and then have it assumed that you know they might be somebody who just ... left school and then gone to uni and then work'*.

- *'Some of the difficulties which I faced in my first couple years out of uni were just a result of immaturity of sort of having not a lot of experience in an office environment'.*
- *'People who are mature age, and they've had careers prior to [practice], such as myself, ... I think that helps in terms of the work skills and the ability to be able to do things administratively and know how offices operate and how work culture operates and all that sort of stuff'.*

### Other comments related to Work-Readiness Skills not Specifically Listed in the Survey

#### Oral Communication Skills

Verbal communication – although not specifically listed in the survey - is important as it is addressed in the Competency Standards under Lawyer's Skills – 'communicating effectively'. The comments by focus group participants in relation to oral communication skills echoed and aligned with the concerns raised in the survey. For example, Pinnacle Practitioners expressed the following concerns:

- *'They're terrified of a phone line. They won't pick up the phone to call someone. They'd rather 'keyboard warrior' an email and fire it off, rather than pick up the phone, and talk to the practitioner about the problem or what the issue might be'.*
- *'There is no ability to pick up a phone and say, "Look, how can we move this forward? What are we really arguing about?"'.*

These sentiments were echoed by Secure Achievers (13-20 years), who said:

- *'I'd like to see them get back to basics and pick up the phone. Talk to people.'*
- *'Instead of being email all the time, or structured letters and correspondence, sometimes it's better just to pick up that phone. And I find that doesn't seem to be happening as much anymore'.*

#### Difficulty Gaining Work Experience as a New Lawyer

There were a number of comments relating to obstacles faced by law graduates in obtaining practical experience. Some comments acknowledged the value of students gaining experience in community legal centres (CLCs) and pro bono clinics. One of the Early Career Lawyers explained: *'I was lucky because my local community legal service, I was actually volunteering with them as a clerk and doing reception stuff and all that stuff, and I learned a lot from that while I was doing my degree. But I needed more experience, and it was very hard'.*

Another suggested that there should be a *'set number of learning positions for people like yourself and people like me who were finding it hard to get the experience... I know that the DPP does something similar. They have work experience programs for people who have minimal experience and are admitted, but I think the onus should really be on funded [institutions] - if you're receiving government money, you should be giving back to the community in the community'.*

Secure Achievers also recognised the importance of prior experience, saying: *'any experience they can get during their degree, whether it's in a community legal centre, or work experience is going to be worth its weight in gold' and I encourage all of them to get involved with community legal centres if they can'.* This group also mentioned two universities who provide these kinds of opportunities; however, focus group participants did not appear to have a broad knowledge of work experience opportunities offered by Australian universities and clinical legal education programs.

*'Most junior lawyers are hardworking and eager to succeed. The profession needs to be better at cultivating those qualities to create an environment for juniors to thrive - this is structural and cultural - encourage wellbeing and collegiality, ensure good mentorship, discourage burnout or unhealthy work behaviour...'*

## 4. RESEARCH FINDINGS (FOR SURVEY AND FOCUS GROUPS)

Briefly, the overall objectives of the Queensland Law Society online survey and focus groups were to:

- record and analyse the perceptions of Queensland Law Society members' views on the job readiness of law graduates and entry level solicitors in private practice;
- identify any perceived missing skills; and
- initiate conversations about suggestions for reform and improvement.

These findings consider the themes that emerged from the analysis of the online survey and focus group results, by identifying general trends as well as unique but significant outlier data collected from respondents. All the survey and focus group data (quantitative and qualitative) was considered in making these findings. For ease of reference, the themes are broadly categorised as:

- A. Positive Perceptions by Respondents of the Job Readiness of Entry Level Solicitors;
- B. Primary Areas of Concern (in relation to missing skills and other emerging themes) for Respondents; and
- C. Suggestions for Reform by Respondents.

It is acknowledged that the respondent views do not necessarily reflect the majority views of the legal profession in Queensland and represent a sample of the broader legal community. Comments and suggestions for reform are indicative of the perceptions of specific survey respondents and not the profession as a whole. However, they provide a valuable snapshot of general trends and concerns within the profession, representing the views of a significant portion of Queensland Law Society member (up to 1,300) who chose to respond to the survey.

### A. Positive Perceptions of the Job Readiness of Entry Level Solicitors

The primary skills identified by respondents in the survey and focus groups as areas where entry level solicitors are job-ready, can be summarised as follows:

**Table 4: Positive Perceptions**

Positive Perceptions of the Profession in relation to the Job Readiness of Entry Level Solicitors (based on the survey responses and focus groups)	
Categories	Positive Perceptions
Core Values	Integrity, honesty and trustworthiness Strong work ethic
Lawyer's Skills	Legal research
Work Management and Business Skills	Ability to work cooperatively and maintain strong team relationships
Personal Skills	Possesses initiative
Technological Skills	Technological skills

There were certain areas which elicited positive responses from participants, both in the online survey and the focus groups. In particular, respondents thought that law graduates and entry level lawyers were performing well in the following areas:

#### Core Values

The Core Values category had an overall positive rating, with a score of 2.5 out of a possible 4 on the competency scale. The highest rated core value, "Displays integrity, honesty and trustworthiness," scored 3/4. All core values scored above average



## B. PRIMARY AREAS OF CONCERN

on the competency scale and most respondents thought that entry level solicitors “often” demonstrated the core values: “Displays professional and ethical decision making” and “Complies with fiduciary duties”, indicating that they demonstrated an awareness of ethical conduct. These results were supported by participant comments in the focus groups about PLT preparing entry law graduates in ethics, such as: *‘You’re walking out of PLT knowing your ethical obligations’*.

### Lawyer’s Skills

In respect of Lawyer’s Skills, the most positive response by far was in respect of “Legal research and fact gathering skills” with a score of 2.6/4. Aligning with the survey results, comments by focus group participants reflected a positive view of law graduates and entry level solicitors’ legal research and fact gathering skills. For example, an Early Career Lawyer (1-5 years) said: *‘When it comes to ... research tasks, because a law degree is a very theory driven degree, I think that law graduates do come out with ... the knowledge of where to go to find the answers in a broad sense’*. A Career Builder (6-12 years) acknowledged that: *‘Across the board, they know how to research’*. This sentiment was echoed by participants in the Pinnacle Practitioners Group (21+ years), with comments such as: *‘They’re outstanding at research’*. They also praised the following skills in newly admitted lawyers: Being able to use a computer; knowing how to track down the format of an affidavit or statutory declaration; being able to identify a title search; ... and knowing how to research.

### Work Management and Business Skills

In relation to Work Management and Business Skills the most positive result was in respect of “Ability to work cooperatively” with an average score of 2.76/4, indicating a positive perception of entry level lawyers’ ability to work cooperatively in private practice. In addition, nearly 93% of respondents indicated that law graduates and entry level solicitors “sometimes”, “often”, or “always” maintain strong work and team relationships.

### Personal Skills

Overall, the responses in the Personal Skills category reflected a positive view of entry level lawyers’ competency in personal skills. By far the most positive response in this category was in relation to: “Demonstrates a strong work ethic”, with a score of 2.6/4, which reflected positively on their work ethics.

### Technological Skills

In relation to Technological Skills, the overall responses reflected an overwhelmingly positive view of entry level lawyers’ competency in technology, with an average score of nearly 2.7 out of a possible 4 on the competency scale. The most positive response in this category was in respect of “An understanding of the benefits and use of technology” with a score of 3.2/4. Further, more than 86% of respondents indicated that law graduates and entry level solicitors “always” or “often” demonstrated an acceptable proficiency in this skill. The focus group comments also reflected an acknowledgement that law graduates and entry level solicitors were generally well versed in technological skills. One Career Builder (6-12 years), noted that, *‘...because they are a younger generation, [they have] a bit of a better grasp on the technology used’*. A Pinnacle Practitioner (21+ years) was especially impressed by newly admitted lawyers’ technological skills, stating: *‘...they’re far, far more able, this generation of young, legal graduates, than any other in terms of ability to use technology to research any legal question’*.

## B. Primary Areas of Concern

There were numerous areas of concern identified in the survey and focus group results in relation to missing skills and concerns about the lack of job readiness of law graduates and entry level solicitors in private practice.

Significantly, as noted above, in response to the question: **“Overall, are law graduates and entry level solicitors equipped with the necessary skills for entering private practice?”** approximately 80% of respondents thought that law graduates and entry level solicitors were “not yet equipped” with the necessary skills for entering private practice.

Sole practitioners had the most pessimistic view of entry level lawyers’ job readiness, while large firms displayed relative confidence in law graduates and entry level solicitors being equipped with the necessary skills for entering private practice.



Sole practitioners also displayed a significantly more pessimistic view of law graduates and entry level solicitors' foundational understanding of substantive law areas relevant to practice in comparison with most of the other groups. In terms of cohorts grouped by seniority, early career lawyers had a significantly more positive view of law graduates and entry level solicitors' foundational understanding of substantive law areas relevant to practice, as opposed to other cohorts.

In the focus groups a Pinnacle Practitioner offered the following advice and words of encouragement for newly admitted lawyers:

*If there's one message that I would like to convey to graduates, it's that, you don't have to always be right. You don't have to be perfect at everything, lawyers do make mistakes and that's okay. And just to be open to feedback, and those sorts of things, that if you came in and you talked about what you did on a daily basis, then you could convey those messages and help them to understand what you're doing in practice and convey those learnings to them as well ...not just thinking that the law is the focus and needs to be done in a certain way and it always has to be perfect.*

There was general agreement by the focus group participants that more practice-based experience was required to upskill entry level solicitors, and different views on how this could be achieved, as reflected in the suggested reforms below.

The following primary areas of concern were identified in the research results:

## I. Primary Missing Skills

The primary missing skills identified by respondents in the survey and focus groups as areas of concern, can be summarised as follows:

**Table 5: Missing Skills**

Primary Missing Skills Identified by Respondents (based on survey responses and focus groups)	
Categories	Missing Skills
<b>Lawyer's Skills</b>	Effective written communication in plain English Drafting quality legal letters, advices and other documents Dispute resolution skills Legal competency, expertise and knowledge of the law Oral communication skills Advocacy and court skills
<b>Problem Solving Skills</b>	Generates strategies to implement solutions to problems
<b>Work Management and Business Skills</b>	Understanding and managing risk Commercial acumen and ability to understand basic financial accounts Self-management An understanding of insurance Business values and professionalism
<b>Trust and Office Accounting</b>	Rendering accurate billing
<b>Client Management Skills</b>	Ability to interview clients and take clear instructions
<b>Personal Skills</b>	Strategic, creative and innovative thinking

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## Lawyer's Skills

### Effective written communication in plain English and drafting quality legal letters, advices and other documents

An important theme that emerged in the focus group discussions - aligning with the survey results - was that law graduates and entry level solicitors may lack writing skills that are relevant for a legal office compared to academic writing. There was also a perceived lack of ability on the part of entry level solicitors to write effectively in plain English.

Related to the respondents' comments on plain English writing, some respondents were concerned about the lack of practical skills in law graduates and entry level solicitors when drafting letters, agreements, advices and other documents and affidavits. These comments indicate that law graduates and entry level solicitors may need more guidance in this area.

A comment from a participant in the Secure Achievers Group (13-20 years) reflected this problem: *'I want the graduates to be able to draft correspondence, whether it's an email or a letter in plain English. I don't want long sentences to make up a word count.'* More practice-based assessment was suggested by this group as a possible improvement.

In general, the concerns expressed by focus group participants echoed the comments in the survey. In particular, the Career Builders Group (6-12 years) expressed the concerns about grammatical and spelling errors in letters, as well as a lack of ability to write file notes. A lack of letter writing and appropriate email drafting skills was identified by the Mixed Group.

Pinnacle Practitioners (21+ years) shared these concerns in respect of effective written communication, spelling, grammar and punctuation. For example, one participant stated that: *'The communication ability is, written communication especially, of the graduates that we're seeing now is terrible'*, while another said, *'Grammar, punctuation, spelling is what you'd expect of a grade 10 person, I think, not a university graduate'*. A lack of consideration for client circumstances and the holistic context of providing advice was noted as another shortcoming in law graduates and entry level solicitors.

These viewpoints are supported by the quantitative survey results which revealed that nearly 88% of respondents thought that law graduates and entry level solicitors "never" (3%), "rarely" (44%) or sometimes (41%) demonstrated competence to an acceptable standard in drafting quality legal letters, advices and other documents. Only 13% thought that they "often" (10%) or "always" (3%) demonstrated this skill.

### Dispute resolution skills

Dispute resolution had the lowest score in the Lawyer's Skills category in the quantitative results. Nearly 57% of respondents held the view that early career lawyers "rarely" demonstrated competence to an acceptable standard in this skill, indicating a perceived lack of competency in this skill by most respondents. In the focus groups Early Career Lawyer (1-5 years) articulated their own confusion about dispute resolution and court processes in general when entering practice: *'...the process of a particular matter ... You've got a matter in the District Court and it's about the sale of a property, like what happens next? What's the whole process of getting there? Like how does dispute resolution integrate? How does anything integrate? Like how do you get from A-Z?'*

### Legal competency, expertise and knowledge of the law

Many respondents perceived a lack of legal knowledge and application of knowledge by law graduates and entry level solicitors in practice. Many respondents provided detailed comments and suggestions and expressed strong viewpoints. Some regarded skills such as problem solving and legal knowledge as the most important skills required from their graduates; most lamented the lack of practice-based knowledge which translated to a lack of competency. The comments aligned with the quantitative survey results which revealed that approximately 80% of respondents thought that law graduates and entry level solicitors "never" (1%), "rarely" (36%) or sometimes (43%) demonstrated competence to an acceptable standard in legal competency, expertise and knowledge of the law. Only 21% thought that they "often" (17%) or "always" (4%) demonstrated this skill.

Significantly, many comments reflected a perceived lack of practical skills.

There were many comments by focus group participants - echoing concerns raised in the survey - about law graduates and entry level solicitors having either:

- foundational legal knowledge but an inability to use that knowledge in practice; or
- no practical knowledge of the law.

The concerns raised were consistent with the missing skills identified in the online survey and do not need to be repeated here. Additionally, one Career Builder (6-12 years) commented that *'not having any practical application or knowledge ... hinders everything along the way'*, while an Early Career Lawyer (1-5 years) acknowledged that law graduates and entry level solicitors may have *'the knowledge of the tools, though maybe not the knowledge of how to necessarily use them'*.

### Oral communication skills

Verbal communication – although not specifically listed in the survey - is important as it is addressed in the Competency Standards under Lawyer's Skills – 'communicating effectively'. The comments by focus group participants in relation to oral communication skills echoed and aligned with the concerns raised in the survey. For example, Pinnacle Practitioners expressed the concern that new lawyers are afraid to talk to colleagues on the phone, choosing email communication instead. These sentiments were echoed by Secure Achievers (13-20 years), who voiced the same concerns.

### Advocacy and court skills

Although not specifically listed as one of the Lawyer's Skills, there were many comments in the survey and focus groups about a perceived lack of advocacy and court skills in law graduates and entry level solicitors, with several respondents mentioning "advocacy" as a missing skill. The large number of comments raise some concerns about law graduates and entry level solicitors' proficiency in advocacy and court skills. These included an inability to: draft court documents and appear in court, draft submissions, implementing the rules of evidence, as well as a lack of knowledge on court procedures. There was a strong perception that entry level lawyers were "frightened" of appearing in court and lacked the confidence to interact with the judiciary.

## Problem Solving Skills

### Generates strategies to implement solutions to problems

This attribute had the lowest quantitative score of 1.7/4 in the Problem Solving category, indicating that respondents perceived a lack of strategic thinking in problem solving by entry level solicitors. The ability to conduct an effective legal analysis was also regarded as a relevant skill in problem solving. In the quantitative survey results approximately 85% of respondents were of the view that law graduates and entry level solicitors "never" (3%), "rarely" (40%), or "sometimes" (42%) generated strategies to implement solutions to problems. Only approximately 16% were seen to "often" (13%) or "always" (3%) demonstrate these skills.

This area appeared to be of particular concern to Career Builders (6-12 years) in the focus groups, who raised a number of issues in relation to law graduates and entry level solicitors' ability to generate strategies to implement solutions to problems. Many of them commented that entry level solicitors lack the ability to problem solve, one person referring to *'...their lack of practical problem-solving skills, and thinking outside of the box, and looking at things holistically'*. They regarded entry level solicitors as *'look[ing] at everything very black and white, there's no grey area for them, and they don't sort of look outside the box, and they don't look at the whole problem and what the possible solution is...'*

A Pinnacle Practitioner thought they lacked the ability to *'...[apply] that [strategy] to the problem presented in a manner which you can then present to the client as a viable solution to their problem...'*, illustrating the need for entry level lawyers to think practically about client solutions.

## Work Management and Business Skills

The lowest scores in this category were in respect of "An understanding of insurance" (1.25/4) and "Commercial acumen and ability to understand basic financial accounts" (1.4/4). More than 55% of respondents chose the "rarely" option here, indicating a perceived lack of competency in these areas.

### Understanding and managing risk in a legal matter

In their comments, many respondents noted a lack of skills in law graduates and entry level solicitors in understanding and managing risk in legal matters. This supported the quantitative survey results, where nearly 57% of respondents thought that law graduates and entry level solicitors "rarely" (53%) or "never" (4%) demonstrated acceptable skills levels in risk management. These results and comments may indicate a cause for concern about risk management in private practice.

In the focus groups there was some discussion in the Career Builders Group (6-12 years) about risk management by law graduates and entry level solicitors in legal matters. One participant felt that *'they haven't had sufficient practical training in anything to know what they don't know*. Another speaker thought that *'there needs to be a competitive aspect to the training at university, where there's no safety net, like if I ... have an insurance claim, it's going to be really expensive... You just cannot go from being a law student, where you expect everything to be explained to you ..., to switch mode to that kind of environment...'*

### **Commercial acumen and understanding clients' business and financial arrangements**

There were a number of comments in the survey about commercial acumen as a missing skill. These concerns were supported by the quantitative survey results, where nearly 63% of respondents thought that law graduates and entry level solicitors "rarely" (56%) or "never" (7%) demonstrated competence to an acceptable standard in commercial acumen and ability to understand basic financial accounts.

There were relatively few comments in the focus groups relating to these skills which aligned with concerns expressed in the online survey, for example, a lack of understanding of bank statements, understanding how a business operates and concepts like discretionary trusts. However, given the nature of focus group discussions and the limited time for participation this does not mean that this does not mean that it would not have been a consideration for them.

### **Self management**

Many survey respondents expressed concerns about a lack of skills on the part of law graduates and entry level solicitors in this area. It is of some concern that so many respondents felt the need to comment on these missing skills, indicating a lack of attention to these important attributes for lawyers in private practice. The quantitative results indicated that nearly 35% of respondents thought law graduates and entry level solicitors "rarely" (32%) or "never" (3%) demonstrated adequate self-management skills.

### **An understanding of insurance**

There were not many comments in the focus groups about understanding insurance as a missing skill. However, given the nature of focus group discussions and the limited time for participation this does not mean that this does not mean that it would not have been a consideration for them.

This was at odds with the perception noted in the quantitative survey data that approximately 73% of respondents thought that law graduates and entry level solicitors "rarely" (59%) or "never" (14%) demonstrated acceptable levels of competence in understanding insurance. This may raise concerns about risk management in private practice.

### **Business values and professionalism**

These skills include business specific skills such as understanding the commercial and financial aspects of legal practice.

Although not specifically listed as skills in the survey, there were many respondents who commented on a perceived lack of business skills in law graduates and entry level solicitors. These comments indicate some concern about law graduates and entry level solicitors' abilities to think and act in a commercial manner. Related to these were some comments indicating a perceived lack of professionalism in law graduates and entry level solicitors.

There were a significant number of comments from participants in the focus groups on these issues. Career Builders (6-12 years) and Pinnacle Practitioners (21+ years) talked about law graduates and entry level solicitors needing a 'commercial' perspective. For example, it was pointed out by a Career Builder that, *'...thinking commercially, I find is something that doesn't come naturally for grads...'* Comments by some of the Pinnacle Practitioners reflected similar concerns, identifying a lack of *'fundamentals of common sense and working in business, or working for businesses as clients'* in law graduates and entry level solicitors.

### **Trust and Office Accounting**

Overall, the responses in this category reflected an average view of competency, with an slightly below average score of 1.7 out of a possible 4 on the competency scale. Whilst all three competencies scored around the 1.7 mark, the lowest score was in respect of "Can render bills accurately", with a score of 1.65/5.

**Rendering accurate billing**

A number of respondents commented on inadequacies in the ability of law graduates and entry level solicitors to render accurate billing and manage billable hours. These concerns aligned with the quantitative findings that 49% of respondents thought that law graduates and entry level solicitors “rarely” (42%) or “never” (7%) demonstrated acceptable levels of competence in rendering accurate billing. Some comments reflected the tension between ethics and commercial considerations in time recording

Most responses on this topic in the focus groups came from the Career Builders Group (6-12 years), for example, noting that newly admitted lawyers did not *‘have any concept as to billings, like billable hours and how much they’ve got to bill...’* and that *‘they don’t know how to manage their own time, ...which is so crucial with everything because it always has a deadline’*.

**Client Management Skills****Ability to interview clients and take clear instructions**

The quantitative survey results reflected “ability to interview clients and take clear instructions” as the worst performing skill in this category, with over 41% of respondents regarding law graduates and entry level solicitors as “rarely” (38%) or “never” (3%) adequately demonstrating this ability. This result was of some concern, considering the importance of this foundational skill. A few respondents commented on missing interviewing skills in law graduates and entry level solicitors.

In the focus groups, comments by the Mixed Group in relation to law graduates and entry level solicitors’ ability to interview clients and take clear instructions aligned with the survey results. The *‘capacity to interview a client’* was mentioned as a missing skill, along with *‘how to take instructions, how to deal with that first interview, which is always really tough ... no one’s training young lawyers to do these things!’* Again, these comments reflected the concerns raised by respondents in the online survey.

**Personal Skills****Strategic, creative and innovative thinking**

Strategic, creative and innovative thinking received a score of just below 1.9/4, indicating some concern by respondents in relation to entry level lawyers’ competency in this area. This may be mitigated by the fact that most respondents thought that entry level lawyers “sometimes” demonstrated an acceptable standard of competency in this skill.

This attribute was perceived more negatively than other attributes in this category, which may indicate a perceived need for improved critical and innovative thinking in law graduates and entry level solicitors. Comments in the survey and focus groups regarding missing skills in this area included references to critical thinking, strategic thinking and suggestions that entry level lawyers should be encouraged to *‘...devise an appropriate strategy to resolve the issue including where appropriate considering more creative extra-legal solutions to a problem that may be available to the client’*.

**II. Other Emerging Themes**

Other significant themes highlighting areas of concern for respondents which emerged from the research data are summarised below with reference to respondents’ comments and viewpoints:

**Table 6: Other Emerging Themes**

Other Emerging Themes (from survey and focus group data)	
A Gap in Expectations	
<ul style="list-style-type: none"> <li>Unrealistic Expectations of Employers</li> </ul>	

## Other Emerging Themes (from survey and focus group data)

- Unrealistic Expectations of Graduates
- Disparities in Wage Expectations

More Support for Law Graduates

Bring Back Articles of Clerkship

Practical Legal Training (PLT) Deficiencies

Priestley 11 Deficiencies

## A Gap in Expectations

A dichotomy between the expectations of entry level solicitors and their employers emerged from the survey findings. This disparity was further borne out by respondents' comments during the focus groups.

## a. Unrealistic Expectations of Employers

The qualitative survey data reflected perceptions by some that employers in private practice had unrealistic expectations of law graduates and entry level solicitors. They mentioned a need for senior practitioners 'to adjust their expectations to be more reasonable' and 'expectations being more realistic'. One respondent commented for example that:

*Most junior lawyers are hard working and eager to succeed. The profession needs to be better at cultivating those qualities to create an environment for juniors to thrive - this is structural and cultural - encourage wellbeing and collegiality, ensure good mentorship, discourage burnout or unhealthy work behaviour.*

## b. Unrealistic Expectations of Graduates

Conversely, there were some strong views expressed on perceived unrealistic expectations by law graduates and entry level solicitors in private practice, as reflected in comments about missing skills and misconceptions. One respondent pointed out that: 'There is a common misconception that having a law degree makes you a solicitor. Knowing the law and being a solicitor are two different skill sets and knowing the law, I believe, only attributes about 20% to the skill set of being a solicitor'. Many commented on a lack of understanding on the part of newly admitted lawyers to grasp the commercial implications of their employment for their employer, for example lacking the 'ability to accept that small law firms only pay about \$40,000-\$50,000 a year in wages and expect about a 45 hr weeks' worth of work and/or billings of 3-5 times their wages without a secretary being provided, and including carrying out conveyances which are only charged at quoted fees of about 1/3 to 1/2 of the required work level'.

Others noted: 'Expected wages are too high for what they bring. I need them to work for 2 years to make it financially worthwhile hiring a graduate'; 'Graduates often arrive with a sense of entitlement that is not comparable with expertise and/or experience' and 'Their salary expectation is not comparative to their dedication to put in the hours of work needed to bill the 3.5 to 4 times their salary'.

In addition, law graduates and entry level lawyers often overestimate their own abilities and are over-confident, when in fact, they need more training, as one respondent pointed out:

*Unfortunately, becoming a good lawyer requires time in law firms, learning how things operate in practice and learning how to balance the competing demands of multiple clients and deadlines. It is sometimes not easy for senior lawyers to do that well, let alone very junior lawyers. They should receive a longer period of practical training before they are admitted and are held out as solicitors.*

There were other sobering comments about unrealistic expectations by law graduates and entry level solicitors, such as: 'Expectations of instant gratification need to change'; 'They often think they know more than they actually know, or perhaps they just don't appreciate how little they know' and 'They cannot come straight out of PLT and think they are 6 foot tall and bullet proof. They cannot think that they have the same ability as a senior practitioner of 20+ years'.



Overall, there appears to be *'a disconnect between what law graduates expect the law to look like and what private practice is'*. Also, there is clearly *'a disconnect between what junior lawyers think they are capable of and what they are in fact capable of'* in the view of employers. *'The majority have higher expectations of their worth and ability than what is demonstrated in practise'*, another stated.

### c. Disparities in Wage Expectations

Aligned with the gap in expectations between employers and entry level solicitors was the issue of wages. Employers felt that law graduates and entry level solicitors' wage expectations exceeded their capabilities, as reflected in respondents' comments. There were suggestions that entry level lawyers should *'focus on the job satisfaction rather than potential for high income'* and that *'if young lawyers were properly advised of their value and worth to a firm in the first couple of years, and the impact of the removal of articles, I think this would give them a more realistic understand of their own expectations'*. Many employers were emphatic that expected wages were excessive for what new lawyers had to offer in terms of skills and business acumen, and that new lawyers should be made aware that *'for the first two years of restricted practice they are a cost centre, not a profit one'*. Again, there was a perception that entry level lawyers lacked the skill set to be productive from day one:

*Most graduates coming out of the PLT system are not equipped for legal practice and certainly not as solicitors. The PLT and the organisations running them are churning out graduates ready for immediate admission and charging a significant amount of money to do so, however, it is the profession that then has to spend significant time and significant resources ensuring they are able to practice law as their admission certificate says they can.*

Others have tried to address the problem by employing newly admitted solicitors *'and have them train as if they were a clerk,'* noting that *'however, the majority have higher expectations of their worth and ability than what is demonstrated in practise'*.

One respondent suggested a much longer period of practical legal training or alternatively work experience, as well as reform of the Legal Services Award to better enable senior practitioners to support the development of skills to the required standards. They noted that presently, wages requirements are not commensurate with *'the entry level skills of graduates who have hardly seen the inside of a legal office'*.

### More Support for Law Graduates

There were several comments regarding the need to provide ongoing training for law graduates once they enter private practice, as well as a recognition of the costs involved for law firms. Mostly, there was a strong preference for firms to be more involved in training entry level lawyers and law graduates and more *'formalised practical legal training'*. One respondent expressed the need for senior practitioners to change their approach, remembering *'that they are mentoring and supervising a junior employee who needs support and encouragement'*, stating that: *'[n]o new lawyer can be expected to have the knowledge and experience of someone with 5 years' experience.'* Another expressed the viewpoint that: *'There is a lot of on the job learning that comes through experience and mentoring'*. Several respondents felt that some of the skills mentioned in the survey were beyond expectations from entry level lawyers and that *'[t]he profession needs to take some responsibility for giving graduates experience to develop skills'*.

Some comments reflected a desire for the QLS to take a more active role in enabling law firms to undertake ongoing training of early career lawyers, for example, a suggestion that the QLS should provide *'incentives for members to take on graduates and undertake training'*. Another suggestion was that *'a session series [be] provided by (say) QLS, by senior solicitors - through an employer's lens - to make new graduates ... aware of what employers require'*, and that *'attendance could form (say) 3 compulsory CPD points for all early career lawyers'*.

There were a number of comments during the focus groups relating to obstacles faced by law graduates in obtaining practical work experience. Some comments acknowledged the value of students gaining experience in community legal centres (CLCs) and pro bono clinics. An Early Career Lawyer in the focus groups said: *'I was lucky because my local community legal service, I was actually volunteering with them as a clerk and doing reception stuff and all that stuff, and I learned a lot from that while I was doing my degree. But I needed more experience, and it was very hard'*. Secure Achievers also recognised the importance of prior experience, saying: *'any experience they can get during their degree, whether it's in a community legal centre, or work experience is going to be worth its weight in gold and I encourage all of them to get involved with community legal centres if they can'*.



### Bring Back Articles of Clerkship

A large number of responses favoured the re-introduction of articles. Many respondents commented on the need for more practical experience, referring specifically to the perceived benefits of articles, as reflected in numerous comments. There was a perception by many that the “missing skills” would be adequately addressed by expecting law graduates to undertake two years of articles before they are admitted to practice. A few respondents suggested a one-year period of clerkship in addition to completing PLT. A number of respondents also expressed the viewpoint that PLT is not an effective substitute for articles of clerkship, one respondent stating that *‘[g]raduates are expensive to employ and know very little. There are not enough opportunities for trainee solicitors for these reasons’*.

One respondent was of the view that *‘[a]rticles definitely produced better ‘work-ready’ lawyers who were infinitely more beneficial from day 1. Restricted practice has essentially become articles by another name’*. Another thought that *‘[t]he worst thing that ever happened to the profession was the abolition of Articles’*.

### Practical Legal Training (PLT) Deficiencies

There were also many comments on perceived shortfalls in the Graduate Diploma in Legal Practice (GDLP) or PLT. Most of the comments criticised the lack of adequate practical training, for example in topics relating to court appearances, case conferencing, business skills, file management, and corporate and commercial practice skills.

Much of the feedback centred around the critique that the approach in PLT was too theoretical - a “tick the box” approach – and that the GDLP needed to be more “skills competence based”. There was a perception that there was a lack of emphasis on practical tasks that would translate to competency in practice. One respondent related their experience of PLT: *‘There’s one practical “mock” task to do and it’s never explained properly or given feedback’*. These kinds of comments were echoed in employers’ feedback, for example: *‘PLT did not equip our most recent graduate with sufficient commercial skills for our corporate and commercial practice’*.

These comments aligned with the other comments expressing a need for more on-the-job training, for example: *‘The only way to really gain an understanding of the procedural side of law is to work in the industry. PLT alone is insufficient practical training’*.

### Priestley 11 Deficiencies

Respondents identified a number of concerns raised regarding the Priestley 11’s failure to address what some regarded as important areas of law, such as: Succession Law (there were many comments about this area); Criminal Law; Commercial Law; Insurance Law; Tax Law and Employment Law. One respondent said: *‘The variety of subjects now offered means graduates have knowledge of all sorts of laws, but often not the ones they need for practice’*. Another commented on the gap in knowledge where commercial matters were concerned: *‘Many new starters have little or no understanding of important concepts in the corporate and commercial practice area, such as restraint of trade, intellectual property and the basics of drafting agreements’*. These comments aligned with concerns raised about missing skills in substantive areas of law which may not be adequately addressed by the Priestley 11.

## C. Suggestions for Reform from the Survey Respondents and Focus Groups

The suggested reforms by respondents to the survey and focus group participants can be summarised as follows, reflecting the law graduate’s journey through legal education, admission to practice, and beyond. Note: references to ‘degree’ in the following table include both the LLB and JD qualifications.

**Table 7: Suggested Reforms**

<b>Suggested Reforms from the Profession (based on Survey Responses and Focus Groups)</b>	
<b>Categories</b>	<b>Suggestions for Reform</b>
<b>Legal Education Stage (Law Degree &amp; PLT)</b>	
<b>Core Values</b>	<ul style="list-style-type: none"> <li>Undertake the professional responsibility subject in the first year, not the last year to improve understanding of ethical responsibilities of a lawyer and also matters considered by the LPAB around fitness and disclosure guidelines for admission.</li> </ul>
<b>Lawyer's Skills</b>	<ul style="list-style-type: none"> <li>More training required to enhance graduates' interpersonal skills and their ability to communicate (particularly verbal communication).</li> <li>Raise standards and performance expectations particularly in relation to written communication and focus on skills that lead to competence in writing including spelling, correct grammar, writing clearly and concisely and using plain English.</li> <li>Utilise practical assessments (as opposed to academic) throughout the entire degree that are built into substantive law subjects, such as oral assessments as court submissions, written assessments as legal advices or opinions, drafting grounds for appeal, and drafting a will.</li> <li>Increase the rigorousness of university education to improve legal knowledge.</li> <li>Address the gap between how the law and case precedents are considered in the degree and how these are applied and used in practice.</li> <li>Add subjects to the Priestley 11, including Succession Law and Tax Law.</li> <li>Go back to two electives with everything else prescribed including family law, tax, succession and securities as these are areas important as a lawyer generally.</li> <li>Include transactional law subjects (commercial law, insurance law and tax law) in the degree to improve understanding and skills so graduates have sufficient commercial skills for corporate and commercial practice.</li> <li>Incorporate the practical side of contracts, equity and company law in teaching, not just the theory.</li> <li>Teach the skill of how to identify causes of action.</li> <li>Provide training on fact analysis in the context of devising a strategy or next steps for a client that can be formulated into a written advice.</li> <li>Teach how to identify concisely issues of priority (e.g. to provide to Supervisors or barristers).</li> <li>University assessments need to be less academic, more practical and outcome (problem solving) focussed.</li> <li>Graduates need better knowledge of court processes, advocacy, drafting court documents, the UCPR and court protocol.</li> <li>Advocacy should be a mandatory subject and available in early years of the degree.</li> <li>Improve fundamental skills, e.g. drafting letters of advice, affidavits, forms, contracts.</li> <li>Conduct mock interviews and mock mediations (instead of moots).</li> </ul>
<b>Problem Solving Skills</b>	<ul style="list-style-type: none"> <li>Students could benefit from more direct exposure to clients during their education, to understand the problems they solve are affected by the experiences and beliefs of the people seeking their assistance.</li> </ul>
<b>Work Management and Business Skills</b>	<ul style="list-style-type: none"> <li>Include an understanding of commercial transactions and a focus on thinking practically and commercially.</li> <li>Cover gaps around smart contracts, restraint of trade, intellectual property and the basics of drafting a business agreement.</li> </ul>

Suggested Reforms from the Profession (based on Survey Responses and Focus Groups)	
	<ul style="list-style-type: none"> <li>• Provide more information about looking after your mental health (healthy coping mechanisms and the impact of stress) as well as the pressures of working life and the importance of appropriate workplace behaviour.</li> <li>• Make legal project management a core subject.</li> </ul>
<b>Trust and Office Accounting</b>	<ul style="list-style-type: none"> <li>• Teach students about billing, time costing, client conflicts and client service at university level.</li> <li>• Fundamental accounting skills should be taught in the degree.</li> </ul>
<b>Client Management Skills</b>	<ul style="list-style-type: none"> <li>• Teach young lawyers about resilience and dealing with clients.</li> </ul>
<b>Personal Skills</b>	<ul style="list-style-type: none"> <li>• Embed personal skills like resilience, critical thinking and empathy.</li> </ul>
<b>Technological Skills</b>	<ul style="list-style-type: none"> <li>• Increase digital literacy,</li> <li>• Embed an understanding of legal technology and best practice workflows at university level (including legal software products used by the profession such as PEXA, OSR Online, LEAP etc).</li> <li>• Office skills need more focus in legal education including office etiquette and using programs like Microsoft, Excel, Outlook.</li> </ul>
<b>Other - Law Degree &amp; PLT</b>	<ul style="list-style-type: none"> <li>• Ensure consistency of quality education and standardisation of results across universities.</li> <li>• A mapping of knowledge and skills through the degree and PLT is necessary to provide greater understanding of what theory is required during the degree, practical training in PLT and what skills are required in practice.</li> <li>• Increase ATAR entry levels for the law degree to reduce the numbers of law students and increase the quality of degrees.</li> <li>• University assessments should be less academic and more practical (skill based) and outcome focussed towards the end of the degree.</li> <li>• Reintroduce year-long core subjects.</li> <li>• Merge the degree and PLT together.</li> <li>• Make the degree longer, e.g. four years minimum so that graduates are more mature and have more opportunities for work experience prior to admission.</li> <li>• Ensure that law degrees have a significant component of face-to-face delivery so that graduates can interact with clients.</li> <li>• Make the degree shorter.</li> <li>• Have two streams in the degree – one for those who do not want to enter legal practice and those who do.</li> <li>• Divide the degree in final years into transactional and litigation streams.</li> <li>• Educate students intending to practice in a regional area about the need to study areas including family law, crime, property, conveyancing and succession.</li> <li>• Consult practitioners more for input in relation to what should be taught in the law degrees.</li> <li>• Address the approach of universities to teach in silos, because in practice many client matters concern interlocking disciplines.</li> <li>• Stop teaching law in a vacuum. Law should be applied to the real world to provide context.</li> <li>• Every legal class that is a practice area should be treated like the class belongs to a firm/government in house. Each assignment and examination should ask the students to be client facing with teachers acting in the role of director and providing guidance.</li> </ul>

**Suggested Reforms from the Profession (based on Survey Responses and Focus Groups)**

	<ul style="list-style-type: none"> <li>• Practical training and exposure to the practice of law should be implemented earlier in the education, not as a short intensive PLT at the conclusion of a degree.</li> <li>• PLT should focus on actual skills, e.g. property law should require you to fill out a Form 1 and 24, in family law you should be given a scenario and do a parent and property split, in succession law students should be drafting wills etc.</li> <li>• PLT needs to be supplemented with a longer requirement of legal placement (work experience).</li> <li>• PLT needs to be more rigorous – more technical and ‘harder’.</li> <li>• Increase the length of PLT and have more demonstrable competence standards and supervisory systems including extensive feedback in the course and during work experience.</li> <li>• Extend minimum requirements for traineeships prior to practice to provide a stronger and effective substitute for real clients and real files, e.g. work experience over 12 months or more.</li> <li>• Consider new bodies of law beyond Priestley 11, e.g. sustainability law - particularly in relation to corporate and government employment opportunities.</li> </ul>
<b>Other – Managing Expectations</b>	<ul style="list-style-type: none"> <li>• Educate students at the commencement of their degree about what legal practice is like and provide information about other opportunities available so they can focus on what options there are in law and what skills they need.</li> <li>• Graduates need assistance to manage their expectations about the reality of legal practice.</li> </ul>
<b>Other - Work Experience</b>	<ul style="list-style-type: none"> <li>• Increase work experience or ‘on the job training’ during the degree.</li> <li>• Increase the length of work experience in PLT as it is of the most use to graduates entering the profession.</li> <li>• Provide longer paid work experience during PLT because if graduate training costs are subsidised they become of real value to the employer to reduce the burden on firms (which can make them reluctant to take graduates on).</li> <li>• Utilise government funding like HECS, subsidised wage rebates or apprenticeship subsidies to assist firms to take on graduates (as occurs now with apprenticeships and other non legal trainees).</li> <li>• Employers should provide better mentoring to graduates in legal practice.</li> <li>• Convert the law degree to a post graduate degree only because increased life experience and work experience would be beneficial to graduates.</li> <li>• Make legal placement or clinical work experience e.g. in a law clinic subject mandatory prior to PLT.</li> <li>• Provide more opportunities for work experience in government departments and community legal centres.</li> </ul>
<b>Other – Articles of Clerkship</b>	<ul style="list-style-type: none"> <li>• Reinstate the articles of clerkship system, e.g. a one year period of clerkship combined with PLT to increase skills and provide more employment opportunities to graduates.</li> <li>• Introduce articles of clerkship or paid work experience of a longer period, e.g. at least twelve months with a proper mentoring program.</li> </ul>
<b>Other – QLS Support</b>	<ul style="list-style-type: none"> <li>• Facilitate a session series by QLS, delivered by senior solicitors with the focus of an employer’s lens - to make new graduates at least aware of what employers require. This could form 3 compulsory CPD points for all early career lawyers (ie 5 years PAE or less).</li> <li>• Provide financial incentives or fee relief to firms who provide placements or Supervised Legal Traineeships to graduates to encourage and support members to take on graduates and undertake training.</li> </ul>
<b>Other - ‘Buy in’ by the profession</b>	<ul style="list-style-type: none"> <li>• The profession needs to have a certain level of ‘buy in’ about the job readiness of graduates, it is not just incumbent on the universities.</li> <li>• The solution cannot just fall to law schools and it cannot just fall to PLT providers - it has to be a whole of profession solution but with realistic expectations about what time is available to practitioners to train the next generation lawyers to support and assist graduates development.</li> </ul>

Suggested Reforms from the Profession (based on Survey Responses and Focus Groups)	
	<ul style="list-style-type: none"> <li>Employer expectations of graduates need to be more realistic or understanding of the fact that law firms are responsible for training their junior lawyers -to allow them to develop and prepare them for further career advancement.</li> </ul>
Admission Stage	
<b>Admission Requirements</b>	<ul style="list-style-type: none"> <li>Require a minimum practical experience period prior to admission (between 3 months and 12 months).</li> <li>Make the total period between the degree and admission 2 years including longer work experience.</li> <li>Provide more opportunities to be closely supervised as clerks without being held out as a solicitor.</li> <li>Revisit the prerequisites for admission.</li> </ul>
Beyond Admission Stage	
<b>Other – Wages/ Financial costs</b>	<ul style="list-style-type: none"> <li>Review the wage system to reconcile the fact that admitted lawyers' salaries far exceed their abilities and worth to an employer.</li> <li>Review the cost to insure graduates to make it more commercial for firms to hire graduates.</li> <li>Give firms a discount on their practicing certificate and insurance fees to hire graduates or provide work experience to students.</li> </ul>

*‘You cannot expect a law graduate or entry level solicitor who has no experience in a law firm to be across all of the skills in this survey...’*

## 5. CONCLUSION

The primary objective of this research project was to assess the job readiness of law graduates and entry level solicitors in private practice and identify the reasons for and the impact of the discrepancy between employer expectations of the skills required for legal practice and the legal education system's standards for the knowledge and skills of law graduates and newly admitted lawyers. It was envisaged that the research would: investigate and formally identify any discrepancies and disconnect between desired skills and actual skills; investigate and identify the causes of the disconnect; formulate an effective strategy to address the discrepancy, based on existing higher education and industry standards; and provide recommendations to improve the quality and effectiveness of legal education and training to increase and enhance graduate employability skills and to safeguard the future generation of solicitors through effective legal education, training and practical experience.

The impetus for this project was the continued expression of concern by Queensland Law Society (QLS) members regarding the competence and job readiness of newly admitted solicitors. The volume of these criticisms led QLS to believe that there may be a gap between employers' expectations of law graduates and newly admitted solicitors' skills and the skills and competencies resulting from the current legal education framework in Queensland. This concern has been validated in the findings of this research.

As noted, the legal profession is currently undergoing a significant period of disruption, and cultural and technological changes are poised to reshape the delivery of legal services over the coming decades; as such, this research is timely and important. These concerns are also being considered in current initiatives led by the Council of Australian Law Deans (CALD), the Australian Professional Legal Education Council (APLEC).

As Legg reminds us, '[n]o law school graduate is fully competent to practice law at the end of their degree because classroom study, and even experiential courses, cannot truly mimic practice.'<sup>83</sup> For the future, Legg has argued that in addition to the traditional black letter law areas of knowledge and lawyer skills which must be retained (i.e., Priestley 11), additional skills and knowledge should be built into existing core subjects or be introduced as electives, in practical legal training (PLT) and clinical legal education (CLE). He also considers that subjects should be updated to reflect how different areas of law are being applied to new situations as a result of technology; and the requirements for admission to practice should be made more flexible to enable legal education providers to adapt.<sup>84</sup> These observations are supported by the findings of this project.

The findings of this project have established that there is no single solution to the question of how to improve the job readiness of entry level solicitors in private practice. There needs to be a scaffolded approach - starting at university level throughout the LLB or JD degree; then building on law graduate knowledge and experience at PLT level to prepare them for practice; and thereafter fostering a lifelong learning and training ethos in legal practice. Proposed solutions need to take cognisance of the challenges faced by all stakeholders in agreeing on how practitioners' concerns may be addressed, and also to what extent changes are practicable within the current legal education landscape.

It should be noted that in providing the suggestions below the Bond research team has considered that the findings in the project are based on the viewpoints of a sample of the legal profession in Queensland. Whilst the data analysis has provided valuable insights into the concerns of the Queensland legal profession in relation to the job readiness of law graduates and entry level solicitors in private practice, some viewpoints may not be representative of the profession as a whole and may require further consultation. Taking cognisance of these factors, the suggestions below are presented for consideration by the Queensland Law Society.

Broadly, whilst acknowledging the tension between the doctrinal approach favoured in the Priestley 11 and practice-based skills expectations, the results of this research have shown a clear preference that legal education providers should consider ways in which more skills-based activities could be incorporated into student learning at university, with greater emphasis on practice-based assessment. Concurrently, it has been suggested that PLT providers should consider ways in which more authentic, practice-based learning can be incorporated during the Graduate Diploma in Legal Practice (GDLP). Additionally, law firms should consider ways in which law graduates may be better supported once they enter legal practice.

In the context of the current legal education landscape, and based on the results of the research we have undertaken, it is suggested that the Queensland Law Society:

- ❖ Lead consultation and dialogue between the QLS, the Council of Australian Law Deans (CALD), the Australian Professional Legal Education Council (APLEC) and relevant regulatory bodies and stakeholders (such as the Law Admissions Consultative Committee (LACC) and the Queensland Legal Profession Admissions Board (LPAB)) regarding:
  - ❖ Academic standards for law degrees - including curriculum subjects, the content of the Prescribed Academic Areas of Knowledge (Priestley 11 subjects), course delivery and assessment practices, and work integrated learning opportunities through the degree;
  - ❖ PLT Competency Standards - including the skills, values, practice areas and performance criteria in the for entry level solicitors, length of workplace experience during PLT, and the role and requirements of the supervisor of PLT students during work experience; and
  - ❖ The prerequisites for admission requirements in the period post-graduation and prior to admission.
- ❖ Consider including English language proficiency requirements (e.g. implementing the International English Language Testing System (IELTS)) for admission Australian law degrees and to legal practice.
- ❖ Investigate how to incorporate features of the articles of clerkship system into work experience and training requirements pre- admission.
- ❖ Assist members by providing continuing professional development (CPD) on practical training topics during the period:
  - ❖ PLT students undertake work experience; and
  - ❖ Graduates and entry level solicitors are under the two year supervision period.
- ❖ Investigate ways to relieve the financial burdens that employers face in providing work experience and employing entry level solicitors.
- ❖ Assist members to identify and access available government funding to support the recruitment and training of entry level lawyers.
- ❖ Investigate how to support community legal centres to provide PLT work experience opportunities in consultation with Community Legal Centres Queensland (<https://www.communitylegalqld.org.au/>).
- ❖ Provide guidance and offer CPD sessions in order to manage the expectations of:
  - ❖ Members training PLT students or employing entry level solicitors in relation to their respective attributes, skills and expectations; and
  - ❖ PLT students/graduates in relation to employer expectations of them in the workplace.
- ❖ Continue developing strategies to enhance law student and lawyer wellbeing.
- ❖ Review the role of supervision and the requirements to be met by supervisors of entry level solicitors post admission during the period of supervised legal practice.
- ❖ Raise member awareness as to the value of the role they play in mentoring, training and supervising PLT students and entry level solicitors.
- ❖ Promote the 'buy in' of members in relation to training the next generation of lawyers in the profession.

*'I think the fact that a lot of us are really passionate about it is evidence how strongly we feel, because I truly don't have time. But I was like, "I am making time for this!" it's such an important area for our young lawyers. We're losing them. We're losing the good ones, and this is why we're losing them...'*



## Disclaimer

This report is dated 1 December 2022 and incorporates available information up to that date only. Bond University prepared this report on the instructions and for the benefit of the Queensland Law Society only. Statements and recommendations contained in this report are made in good faith and on the basis of information supplied by research participants and the available literature, and in the reasonable belief that they are correct and not misleading.

All information supplied to Bond University in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been fulfilled. Bond University and Queensland Law Society disclaim any liability to any person who relies on this report for any purpose whatsoever.

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## 7. APPENDIX

### 7.1 COPY OF THE SURVEY



The purpose of this all-important survey is to gauge the view of members of the Queensland Law Society about the job readiness of law graduates and entry level solicitors in private practice in Queensland, highlighting key skills and competencies that are needed for law graduates and entry level solicitors on entry into the profession and identifying any gaps in skills and competencies brought from Law School and Practical Legal Training (PLT).

It will take you ten minutes to complete but is crucial to mapping a future for the solicitor's profession in Queensland.

#### Your privacy

The Queensland Law Society (the Society) respect your privacy and are committed to the Information Privacy Principles contained in the *Information Privacy Act 2009* (Qld) and the Australian Privacy Principles contained in the *Privacy Act 1988* (Cth).

This is a anonymous survey and data will be reported in aggregate format only. Personal information is not collected and all responses will remain anonymous at all times. Contact BUHREC at [research@bond.edu.au](mailto:research@bond.edu.au) if you have any concerns about the conduct of the research. Please click the button below to agree and proceed to the survey ---->

Powered by Qualtrics

#### Core Values

*In your experience, to what extent do law graduates and entry level solicitors starting in private legal practice demonstrate competence to an acceptable standard in the following areas?*

**0 = Never   1 = Rarely   2 = Sometimes   3 = Often   4 = Always**

0

1

2

3

4

Displays professional and ethical decision-making

☐ Not relevant for practice



Displays integrity, honesty and trustworthiness

☐ Not relevant for practice



Commitment to community service and the public good

☐ Not relevant for practice

Commitment to guard and advocate the rule of law

☐ Not relevant for practice

Knows when to raise ethical problems with others

☐ Not relevant for practice

Complies with fiduciary duties

☐ Not relevant for practice

Identifies and avoids conflicts of interest

☐ Not relevant for practice

## Lawyer's Skills

In your experience, to what extent do law graduates and entry level solicitors starting in private legal practice demonstrate competence to an acceptable standard in the following areas?

0 = Never 1 = Rarely 2 = Sometimes 3 = Often 4 = Always

0

1

2

3

4

Effective written communication in plain English

☐ Not relevant for practice

Drafting quality legal letters, advices and other documents

☐ Not relevant for practice

Dispute resolution skills including negotiation, mediation, facilitation and conciliation

☐ Not relevant for practice

Developed legal research and fact gathering skills

☐ Not relevant for practice

Legal competency, expertise and knowledge of the law

☐ Not relevant for practice

Diverse cultural knowledge and sensitivity

☐ Not relevant for practice

## Problem Solving

In your experience, to what extent do law graduates and entry level solicitors starting in private legal practice demonstrate competence to an acceptable standard in the following areas?

0 = Never 1 = Rarely 2 = Sometimes 3 = Often 4 = Always

0

1

2

3

4

Shows good judgement and common sense in solving problems

☐ Not relevant for practice

Generates strategies to implement solutions to problems

☐ Not relevant for practice

Legal analysis (can analyse facts, identify issues, apply the law and propose solutions)

☐ Not relevant for practice

## Work Management and Business Skills

*In your experience, to what extent do law graduates and entry level solicitors starting in private legal practice demonstrate competence to an acceptable standard in the following areas?*

**0 = Never 1 = Rarely 2 = Sometimes 3 = Often 4 = Always**

0

1

2

3

4

Can produce quality legal work in a timely and cost effective way

☐ Not relevant for practice

Understanding and managing risk in a legal matter

☐ Not relevant for practice

Accurate and informative recording of time

☐ Not relevant for practice

Ability to work cooperatively

☐ Not relevant for practice

Keeps supervisors informed

☐ Not relevant for practice

Commercial acumen and ability to understand basic financial accounts

☐ Not relevant for practice

Demonstrates interest in business and financial arrangements of clients

☐ Not relevant for practice

Ability to maintain strong work and team relationships

☐ Not relevant for practice

Ability to manage files

☐ Not relevant for practice

Self-management (including resilience, wellbeing and stress management)

☐ Not relevant for practice

Ability to manage personal time (using diaries and identifying conflicting priorities)

☐ Not relevant for practice

Dedication to client service (including keeping clients informed)

☐ Not relevant for practice

An understanding of insurance (including the limitation of liability scheme)

☐ Not relevant for practice



## Trust and Office Accounting

*In your experience, to what extent do law graduates and entry level solicitors starting in private legal practice demonstrate competence to an acceptable standard in the following areas?*

**0 = Never 1 = Rarely 2 = Sometimes 3 = Often 4 = Always**

0

1

2

3

4

Understanding fiduciary and other trust accounting duties

☐ Not relevant for practice



Understanding obligations for receiving client money and making payments

☐ Not relevant for practice



Can render bills accurately

☐ Not relevant for practice



## People Skills and Self Development

*In your experience, to what extent do law graduates and entry level solicitors starting in private legal practice demonstrate competence to an acceptable standard in the following areas?*

**0 = Never 1 = Rarely 2 = Sometimes 3 = Often 4 = Always**

0

1

2

3

4

Can delegate, supervise and mentor others

☐ Not relevant for practice



Ability to manage online reputation and personal brand awareness (during and outside work hours)

☐ Not relevant for practice



Commitment to professional development toward excellence

☐ Not relevant for practice



Seeks out feedback, is self-reflective and responsive to coaching

☐ Not relevant for practice



Develops and continuously implements a career plan

☐ Not relevant for practice



Stakeholder relationship management skills (eg. interacting with senior members of the profession, supervisors, judiciary, and other professionals)

☐ Not relevant for practice



## Client Management Skills

*In your experience, to what extent do law graduates and entry level solicitors starting in private legal practice demonstrate competence to an acceptable standard in the following areas?*

**0 = Never 1 = Rarely 2 = Sometimes 3 = Often 4 = Always**

0	1	2	3	4	
					<input type="checkbox"/> Not relevant for practice
Understanding the importance of networking through business development and marketing					
					<input type="checkbox"/> Not relevant for practice
Ability to retain clients by understanding their needs and being responsive					
					<input type="checkbox"/> Not relevant for practice
Ability to interview clients and take clear instructions					
					<input type="checkbox"/> Not relevant for practice

## Personal Skills

*In your experience, to what extent do law graduates and entry level solicitors starting in private legal practice demonstrate competence to an acceptable standard in the following areas?*

**0 = Never 1 = Rarely 2 = Sometimes 3 = Often 4 = Always**

0	1	2	3	4	
					<input type="checkbox"/> Not relevant for practice
Possesses initiative					
					<input type="checkbox"/> Not relevant for practice
An understanding of emotional intelligence					
					<input type="checkbox"/> Not relevant for practice
Self-awareness (of strengths and development areas) and ability to ask for help					
					<input type="checkbox"/> Not relevant for practice
Strategic, creative and innovative thinking					
					<input type="checkbox"/> Not relevant for practice
Demonstrates a strong work ethic					
					<input type="checkbox"/> Not relevant for practice
Ability to work independently					
					<input type="checkbox"/> Not relevant for practice
Is reliable and inspires confidence in abilities					
					<input type="checkbox"/> Not relevant for practice

## Technological Skills

*In your experience, to what extent do law graduates and entry level solicitors starting in private legal practice demonstrate competence to an acceptable standard in the following areas?*

0 = Never 1 = Rarely 2 = Sometimes 3 = Often 4 = Always

0

1

2

3

4

An understanding of the benefits and use of technology

☐ Not relevant for practice



Ability to assess the integrity of documents and data (data analytics and forensics)

☐ Not relevant for practice



An understanding of the risks of technology including cybersecurity

☐ Not relevant for practice



**Are there any important skills missing from the previous list of competencies? If so, please identify those skills.**

Insert answer here

**Do law graduates and entry level solicitors in private practice have foundational understanding of substantive law areas\* relevant to practice?**

(<https://www.legalservicescouncil.org.au/Documents/prescribed-academic-areas-of-knowledge.pdf>)

- ☐ Yes
- ☐ No
- ☐ Not sure

**Overall, are law graduates and entry level solicitors equipped with the necessary skills for entering the private practice?**

- ☐ Equipped
- ☐ Not yet equipped
- ☐ Not sure

**What reforms, if any, are required to the formal education requirements of law graduates and entry level solicitors in private practice to better align skill sets with your expectations?**

Insert answer here



**Does your firm engage in training of law graduates and entry level solicitors to address any gaps in their skill sets coming from legal education?**

- ☐ Yes
- ☐ No
- ☐ Not sure

**If training is provided, what is the nature of that training?**

Insert answer here

**Would you like to make any other comments about the job readiness of law graduates and entry level solicitors?**

Insert answer here

**Do you directly supervise law graduates and entry level solicitors?**

- ☐ Yes
- ☐ No

**If so, how long have you supervised law graduates and entry level solicitors?**

Insert answer here

## Demographic Information

*We really appreciate the time you have taken to complete the survey. There are just a few more demographic questions to go.*

*Please complete these final questions as the information we obtain is crucial to our research.*

**What is your current Post Admission Experience (PAE)?**

- ☐ <0 years: Law student - not yet admitted
- ☐ 0-5 years: Early career lawyer
- ☐ 6-12 years: Career builder
- ☐ 13-20 years: Secure achiever
- ☐ 21+ years: Pinnacle practitioner

**What is your organisation type?**

- ☐ Sole legal practitioner organisation (1 PC)
- ☐ Micro legal organisation (2-5 PCs)
- ☐ Small legal organisation (6-19 PCs)
- ☐ Medium legal organisation (20-49 PCs)
- ☐ Large legal organisation (50+ PCs)
- ☐ Community legal centre
- ☐ Government
- ☐ In-house lawyer/counsel department
- ☐ Barrister
- ☐ Not yet employed
- ☐ Other

**What is your professional role?**

- ☐ Managing Principal of a law firm or legal group
- ☐ Principal of a law firm or equivalent
- ☐ Senior solicitor (non-principal and greater than 5 years PAE)
- ☐ Early career solicitor (up to 5 years PAE)
- ☐ In-house Lawyer/Counsel
- ☐ Law Graduate (pre-admission)
- ☐ Student
- ☐ Other

**How did you fulfil your requirements for admission into legal practice following acquisition of your law degree?**

- ☐ During a Supervised Traineeship
- ☐ Undertaking Practical Legal Training
- ☐ Employed as an Articled Law Clerk
- ☐ Other experience (including foreign admission)

**What is the postcode of your current law firm or workplace?**

Insert answer here

**What is your gender?**

- ☐ Female
- ☐ Male
- ☐ Other
- ☐ Prefer not to answer

**Thank you for participating.**

Your views are crucial to mapping a future for the solicitor's profession in Queensland.

[Please click on this link if you would like to volunteer to participate in a focus group on this key issue.](#)

## ENDNOTES

- <sup>1</sup> See Urbis, *2020 National Profile of Solicitors* (Report, 1 July 2021) <<https://www.lawsociety.com.au/sites/default/files/2021-07/2020%20National%20Profile%20of%20Solicitors%20-%20Final%20-%201%20July%202021.pdf>>. The graphics in this section have been reproduced from the National Profile document.
- <sup>2</sup> Legal Practitioners Admissions Board, *2020 – 2021 LPAB Annual Report* (Report, 1 September 2021) <<https://www.qls.com.au/Content-Collections/LPAB/corporate/Annual-Report-2020-2021>>. The ALSA National Advocacy Survey found that mental health/workload and the perceived oversupply of law graduates were considered to be the most pressing issues facing the industry – see the discussion in the Law Society of New South Wales, *Future Prospects of Law Graduates: Report and Recommendations* (2017) 7.
- <sup>3</sup> Legal Services Commission, *2020/2021 Annual Report* (Report, 2021) <[https://www.lsc.qld.gov.au/\\_data/assets/pdf\\_file/0005/699602/Legal-Services-Commission-Annual-Report-2020-21.pdf](https://www.lsc.qld.gov.au/_data/assets/pdf_file/0005/699602/Legal-Services-Commission-Annual-Report-2020-21.pdf)>.
- <sup>4</sup> See for example, L Harvey, 'Defining and Measuring Employability' (2001) 7(2) *Quality in Higher Education* 97; RW McQuaid and C Lindsay, 'The Concept of Employability' (2005) 42(2) *Urban Studies* 197.
- <sup>5</sup> C Van der Heijde and B Van der Heijden, 'A Competence-Based and Multidimensional Operationalization and Measurement of Employability' (2006) 45(3) *Human Resource Management* 449.
- <sup>6</sup> Samiksha Neroorkar, 'A Systematic Review of Measures of Employability' (2022) 64(6) *Education & Training* 844, 844. See also J Hillage and E Pollard, *Employability: Developing a Framework for Policy Analysis* (Institute for Employment Studies, Research Report No 85 1998); B Van der Heijden, 'Prerequisites to Guarantee Life-Long Employability' (2002) 31(1) *Personnel Review* 44; IH Van Emmerik et al, 'The Route to Employability' (2012) 17(2) *Career Development International* 104.
- <sup>7</sup> See for example, M Fugate, AJ Kinicki and BE Ashforth, 'Employability: A Psycho-Social Construct, its Dimensions, and Applications' (2004) 65(1) *Journal of Vocational Behavior* 14.
- <sup>8</sup> A Forrier and L Sels, 'The Concept Employability: A Complex Mosaic' (2003) 3(2) *International Journal of Human Resources Development and Management* 102; JG Thijssen, BI Van der Heijden and TS Rocco, 'Toward the Employability - Link Model: Current Employment Transition to Future Employment Perspectives' (2008) 7(2) *Human Resource Development Review* 165.
- <sup>9</sup> Neroorkar (n 6) 844.
- <sup>10</sup> E Peeters et al, 'Employability Capital: A Conceptual Framework Tested Through Expert Analysis' (2019) 46(2) *Journal of Career Development* 79.
- <sup>11</sup> Neroorkar (n 6) 844. See also, Fugate, Kinicki and Ashforth (n 7) 14; TN Garavan, 'Employability, the Emerging New Deal?' (1999) 23(1) *Journal of European Industrial Training* (online); S McArdle et al, 'Employability During Unemployment: Adaptability, Career Identity and Human and Social Capital' (2007) 71(2) *Journal of Vocational Behavior* 247.
- <sup>12</sup> Van der Heijde and Van der Heijden (n 5).
- <sup>13</sup> See I Silla et al, 'Job Insecurity and Well-Being: Moderation by Employability' (2009) 10(6) *Journal of Happiness Studies* 739.
- <sup>14</sup> Van der Heijde and Van der Heijden (n 5).
- <sup>15</sup> See for example, Inge Römogens, Rémi Scoupe and Simon Beusaert, 'Unraveling the Concept of Employability, Bringing Together Research on Employability in Higher Education and the Workplace' (2020) 45(12) *Studies in Higher Education* 2588; Silvia Monteiro et al, 'Employability Profiles of Higher Education Graduates: A Person-Oriented Approach' (2022) 47(3) *Studies in Higher Education* 499.
- <sup>16</sup> H Behle, 'Students' and Graduates' Employability: "A Framework to Classify and Measure Employability Gain" (2020) 4(1) *Policy Reviews in Higher Education* 105.
- <sup>17</sup> Dawn Bennett and Subramaniam Ananthram, 'Development, Validation and Deployment of the EmployABILITY Scale' (2021) 47(7) *Studies in Higher Education* 1131, 1131 referring to R Boden and M Nedeva, 'Employing Discourse: Universities and Graduate "Employability"' (2010) 25(1) *Journal of Education Policy* 37, 37 and E Knight, 'Massification, Marketisation and Loss of Differentiation in Pre-Entry Marketing Materials in UK Higher Education' (2019) 8(11) *Social Sciences* 304.
- <sup>18</sup> Bennett and Ananthram (n 17) 1131
- <sup>19</sup> Neroorkar (n 6) 844.
- <sup>20</sup> Mantz Yorke and Peter Knight, 'Embedding Employability into the Curriculum' (Learning and Employability Series 1 and 2, Higher Education Academy, 2006) <[http://www.employability.ed.ac.uk/documents/Staff/HEABriefings/ESECT-3-Embedding\\_employability\\_into\\_curriculum.pdf](http://www.employability.ed.ac.uk/documents/Staff/HEABriefings/ESECT-3-Embedding_employability_into_curriculum.pdf)>. See also, Romeela Mohee, *A Guide to Integrating Employability in Higher Education Institutions: The Commonwealth of Learning's Employability Model* (Commonwealth of Learning, 2019).
- <sup>21</sup> See for example, Francina Cantatore, 'Boosting Law Graduate Employability: Using a Pro Bono Teaching Clinic to Facilitate Experiential Learning in Commercial Law Subjects' (2015) 25(1) *Legal Education Review* 147; Harmanus Moolman, 'A Conceptual Competence-Based Framework for Enhancing the Employability of Graduates' (2017) 12(2) *The Independent Journal of Teaching and Learning* 26; Jason Turner et al, 'University Legal Learning Spaces Effectiveness in Developing Employability Skills of Future Law Graduates' (2019) 16(1) *Malaysian Journal of Learning and Instruction* 49; Francina Cantatore et al, 'A Comparative Study Into Legal Education and Graduate Employability Skills in Law Students Through Pro Bono Law Clinics' (2021) 55(3) *The Law Teacher* 314.
- <sup>22</sup> Bennett and Ananthram (n 17). See also, Frances Trought, *Brilliant Employability Skills: How to Stand Out from the Crowd in the Graduate Job Market* (Person Business, 2<sup>nd</sup> ed, 2017).
- <sup>23</sup> David Curtis and Phillip McKenzie, *Employability Skills for Australian Industry: Literature Review and Framework Development, A Report to the Business Council of Australia, Australian Chamber of Commerce and Industry* (Report, Department of Education, Science and Training, 2002).

- <sup>24</sup> See for example, Wendy Green, Sarah Hammer and Cassandra Star, 'Facing Up to the Challenge: Why is it So Hard to Develop Graduate Attributes?' (2009) 28(1) *Higher Education Research & Development* 17-29; Beverley Oliver and Trina Jorre de St Jorre, 'Graduate Attributes For 2020 and Beyond: Recommendations for Australian Higher Education Providers' (2018) 37(4) *Higher Education Research & Development* 821.
- <sup>25</sup> John Bowden et al, *Generic Capabilities of ATN University Graduates* (QUT, 2000). See also Gail Hart, John Bowden and Jim Watters, 'Graduate Capabilities: A Framework for Assessing Course Quality' (1999) 24(2) *Higher Education in Europe* 301; Sally Kift, 'Harnessing Assessment and Feedback to Assure Quality Outcomes for Graduate Capability Development: 'A Legal Education Case Study' (Conference Paper, Australian Association for Research in Education (AARE) Conference, 2002) <<http://www.aare.edu.au>>; Anna D Rowe and Karsten E Zegwaard, 'Developing Graduate Employability Skills and Attributes: Curriculum Enhancement through Work-Integrated Learning' (2017) 18(2) *Asia-Pacific Journal of Cooperative Education* 87.
- <sup>26</sup> This section has been developed from Rachael Field, James Duffy and Anna Huggins, *Lawyering and Positive Professional Identities* (LexisNexis, 2<sup>nd</sup> ed, 2020) Chapter 2 and Nick James, Rachael Field and Jackson Walkden-Brown, *The New Lawyer* (Wiley, 3<sup>rd</sup> ed, 2023) Chapter 1. See also, Michael Ralph, 'The Path of Legal Education from Edward I to Langdell: A History of Insular Reaction' (1981) 57(2) *Chicago Kent Law Review* 429.
- <sup>27</sup> Thorstein Veblen, *The Higher Learning in America* (American Centuries Series, 1918).
- <sup>28</sup> David Barker, *A History of Australian Legal Education* (Federation Press, 2017).
- <sup>29</sup> Dennis Pearce et al, *Australian Law Schools: A Discipline Assessment for the Commonwealth Tertiary Education Committee* (AGPS, 1987).
- <sup>30</sup> Judith Lancaster, *The Modernisation of Legal Education: A Critique of the Martin, Bowen and Pearce Reports* (Centre for Legal Education, 1993).
- <sup>31</sup> Law Admissions Consultative Committee, *Towards A National Legal Profession — Revised Uniform Admission Rules* (2002) 2 <<https://www.lawcouncil.asn.au/resources/law-admissions-consultative-committee>>.
- <sup>32</sup> *Ibid* 2.
- <sup>33</sup> See Law Admissions Consultative Committee, *Model Admission Rules 2015* (Revised 2016) <<https://www.lawcouncil.asn.au/resources/law-admissions-consultative-committee>> Schedule 1, 6-12. See generally, Law Admissions Consultative Committee, Law Council of Australia <<https://www.lawcouncil.asn.au/resources/law-admissions-consultative-committee>>.
- <sup>34</sup> The LLB is a level 7 course under the AQF. The Juris Doctor is a higher-level course and is normally considered to be a Masters degree and a level 9 on the AQF scale although there have been criticisms that it is not very different to the LLB course. PLT provided as a post graduate diploma is regarded as a level 8 course.
- <sup>35</sup> The Australian Professional Legal Education Council, 'About APLEC' (Web Page) <<https://aplec.asn.au/about/>>.
- <sup>36</sup> Council of Australian Law Deans, *2018 Data Regarding Law School Graduate Numbers and Outcomes* (Fact Sheet, 2019) <[https://cald.asn.au/wp-content/uploads/2019/07/Updated-Factsheet-Law\\_Students\\_in\\_Australia-20-04-2019.pdf](https://cald.asn.au/wp-content/uploads/2019/07/Updated-Factsheet-Law_Students_in_Australia-20-04-2019.pdf)>.
- <sup>37</sup> See for example, Emil Finch and Stefan Fafinski, *Employability Skills for Law Students* (Oxford University Press, 2014); Randall Kiser, *Soft Skills for the Effective Lawyer* (Cambridge, 2017); Samantha Kontra, *Essential Legal Skills: A Guide for First Year Law Students* (Thomson Reuters, 2021). See also, for example, C Collet, D Hine, and K Du Plessis, 'Employability skills: perspectives from a knowledge intensive industry' (2015) 57(5) *Education & Training* 532.
- <sup>38</sup> See for example, Law Institute of Victoria, *Disruption, Innovation and Change: The Future of the Legal Profession* (Report, 2015) ('*Disruption, Innovation and Change*'); Law Society of New South Wales, *Future Prospects of Law Graduates: Report and Recommendations* (Report, 2017); Law Society of New South Wales, *The Future of Law and Innovation in the Profession* (Report, 2017) ('*FLIP Report*'); Law Society of Western Australia, *The Future of the Legal Profession* (Report, 2017) ('*Future of the Legal Profession*'); Victorian Legal Services Board and Commissioner, *Sexual Harassment in the Victorian Legal Sector: 2019 Study of Legal Professionals and Legal Entities* (Report, 2019); Victorian Legal Services Board and Commissioner, *Lawyer Wellbeing Project Report* (Report, 2019); Chris Humphreys, *Getting the Point?: Review of the Continuing Professional Development for Victorian Lawyers* (Report, Victorian Legal Services Board and Commissioner, 2020); Victorian Legal Services Board and Commissioner, *Delivering More Together* (Annual Report, 2021) ('*VLSBC 2021 Annual Report*'); Thomson Reuters, *2021 Australia: State of the Legal Market* (Report, 2021) ('*2021 State of the Legal Market*'). See also, John Farrar, 'The Future of Australian Legal Education: A Comparative View' in Kevin Lindgren, François Kunc and Michael Coper, *The Future of Australian Legal Education* (Thomson Reuters, 2018) 143.
- <sup>39</sup> There is also a significant body of relevant international scholarship and literature. However, consideration of this material is beyond the scope of this project.
- <sup>40</sup> Law Institute of Victoria, *Disruption, Innovation and Change* (n 38) 5.
- <sup>41</sup> Humphreys (n 38) 10.
- <sup>42</sup> *FLIP Report* (n 38) 79. See also, Michael Legg, 'New Skills for New Lawyers: Responding to Technology and Practice Developments' [2018] *University of New South Wales Law Research Series* 51. Further, Bentley and Squelch notes that in their study employers agreed that graduates require a broad and principled understanding of substantive areas of law to practice across jurisdictions: Duncan Bentley and Joan Squelch, 'Employer Perspectives on Essential Knowledge, Skills and Attributes for Law Graduates to Work in a Global Context' (2014) 24(1) *Legal Education Review* 95, 106.
- <sup>43</sup> *FLIP Report* (n 38) 10. See also, Daniel Goldsworthy, 'The Future of Legal Education in the 21st Century' (2020) 41(1) *Adelaide Law Review* 243, 263.
- <sup>44</sup> Zhiqiong June Wang, 'Between Constancy and Change: Legal Practice and Legal Education in the Age of Technology' (2019) 36(1) *Law in Context: A Socio-legal Journal* 64.
- <sup>45</sup> Bentley and Squelch (n 42) 112. See also, Terry Hutchinson, 'Legal Research in the Fourth Industrial Revolution' (2017) 43(2) *Monash Law Review* 567.
- <sup>46</sup> Law Institute of Victoria, *Disruption, Innovation and Change* (n 38) 33. See also, Lyria Bennett Moses, 'The Need for Lawyers' in Kevin Lindgren, François Kunc and Michael Coper, *The Future of Australian Legal Education* (Thomson Reuters, 2018) 355, 366.

- <sup>47</sup> Sally Kift, 'A Virtuous Journey Through The Regulation Minefield: Reflections on Two Decades of Australian Legal Education Scholarship' in Ben Golder, Ben, Marina Nehme, Alex Steel and Prue Vines (eds), *The State of Legal Education Research: Then, Now and Tomorrow* (Routledge, 2019) 161.
- <sup>48</sup> Wang (n 44) 72-73.
- <sup>49</sup> VLSBC 2021 Annual Report (n 38) referring at 18 to the *Lawyer Wellbeing Project* (Report, 2019); *FLIP Report* (n 38). See also, for example, Colin James, 'Lawyer's Wellbeing and Professional Legal Education' (2008) 42(1) *The Law Teacher* 85. The participants in Bentley and Squelch's study also noted that adaptability and resilience are important attributes for law graduates, particularly those working across cultures and jurisdictions (n 42) 114.
- <sup>50</sup> Bentley and Squelch (n 42) 112.
- <sup>51</sup> Productivity Commission, *Access to Justice Arrangements* (Inquiry Report No 72, September 2014) 247. See also, Rachael Field and Alpana Roy, 'A Compulsory Dispute Resolution Capstone Subject: An Important Inclusion in a 21st Century Australian Law Curriculum' (2017) 27(1) *Legal Education Review* 73.
- <sup>52</sup> Pauline Collins, 'Australian Legal Education at a Crossroads' (2016) 58(1) *Australian Universities' Review* 30, 32. See also Field and Roy (n 51).
- <sup>53</sup> Judith Gutman, Thomas Fisher and Erika Martens, 'Teaching ADR to Australian Law Students: Implications for Legal Practice in Australia' (2008) 19(1) *Australasian Dispute Resolution Journal* 42, 43.
- <sup>54</sup> Ibid.
- <sup>55</sup> Humphreys (n 38) 37; Law Institute of Victoria, *Disruption, Innovation and Change* (n 38) 13. For example, Moses argues that critical thinking is a necessary general skill that future lawyers will need to remain appropriately skeptical about the advantages and limitations of new technologies – Moses (n 46) 372.
- <sup>56</sup> Gabrielle Appleby, Sean Brennan and Andrew Lynch, 'Keep Calm and Carry on: Why the Increasing Automation of Legal Services Should Deepen and Not Diminish Legal Education' in Kevin Lindgren, François Kunc and Michael Coper, *The Future of Australian Legal Education* (Thomson Reuters, 2018) 389, 399.
- <sup>57</sup> Legg (n 42).
- <sup>58</sup> See Bentley and Squelch (n 42) 113 where they note the importance of the ability to foster relationships and work in teams in legal practice.
- <sup>59</sup> Ibid 102.
- <sup>60</sup> Thomson Reuters, *2021 State of the Legal Market* (n 38) 15 -16.
- <sup>61</sup> Ibid 4-5.
- <sup>62</sup> Law Institute of Victoria, *Disruption, Innovation and Change* (n 38) 38. See also, VLSBC 2021 Annual Report (n 38) referring at 17 to the *Sexual Harassment in the Victorian Legal Sector: 2019 Study of Legal Professionals and Legal Entities Report*.
- <sup>63</sup> Anneka Ferguson, 'Creating Practice Ready, Well and Professional Law Graduates' (2018) 8(2) *Journal of Learning Design* 22.
- <sup>64</sup> *FLIP Report* (n 38) 79; Law Society of Western Australia, *Future of the Legal Profession* (n 38) 1; Law Institute of Victoria, *Disruption, Innovation and Change* (n 38) 33. However, Wang argues that while law graduates should be technologically proficient and confident, they do not need to be experts in technology (n 44) 75. See also, Michael Legg and Felicity Bell, 'Artificial Intelligence and the Legal Profession: Becoming the AI-Enhanced Lawyer' (2019) 38(2) *University of Tasmania Law Review* 34; Kate Galloway et al, 'The Legal Academy's Engagements with Lawtech: Technology Narratives and Archetypes as Drivers of Change' (2019) 1(1) *Law, Technology and Humans* 27; Julian Webb, 'Information Technology and the Future of Legal Education: A Provocation' (2019) 7 *Griffith Journal of Law and Human Dignity* 72.
- <sup>65</sup> Law Society of Western Australia, *Future of the Legal Profession* (n 38) 1. For example, Wang argues that future lawyers need training in human capabilities that will not be automated by AI, for example, creativity, empathy, compassion and emotional intelligence – Wang (n 44) 73 citing Krook, 2018. See also Legg (n 42).
- <sup>66</sup> Ibid 7-8. Kift has also said that the increase in automation and reliance on AI places 'a high premium on ethical standards, moral judgment and criticality' which is something that can be developed from the early stages of legal education and training': Kift (n 47) 166-7.
- <sup>67</sup> Kift (n 47) 166-167. See also Wang (n 44) 73; Legg and Bell (n 64).
- <sup>68</sup> Ibid. Cyber security is increasing which means lawyers need to be better educated about the risk management and security breaches: *FLIP Report* (n 38) 95.
- <sup>69</sup> *FLIP Report* (n 38) 1, 77.
- <sup>70</sup> Ibid 79; Law Institute of Victoria, *Disruption, Innovation and Change* (n 38) 33. See also Bentley and Squelch (n 42) 111.
- <sup>71</sup> Legg (n 42). Legg also argues that the innovative fee structures found now in the business models of NewLaw firms makes this more imperative.
- <sup>72</sup> Law Society of Western Australia, *Future of the Legal Profession* (n 38) 4.
- <sup>73</sup> Bentley and Squelch (n 42) 108.
- <sup>74</sup> Ibid 110.
- <sup>75</sup> See for example, AV Bharathi, 'Communication Skills - Core of Employability Skills: Issues and Concerns' (2011) 6(4) *Higher Learning Research Communications* 5; See also, Tim Moore and Janne Morton, 'The Myth of Job Readiness? Written Communication, Employability, and the 'Skills Gap' in Higher Education' (2017) 42(3) *Studies in Higher Education* 591.
- <sup>76</sup> *FLIP Report* (n 38) 79.
- <sup>77</sup> Law Institute of Victoria, *Disruption, Innovation and Change* (n 38) 5.
- <sup>78</sup> Humphreys (n 38) 10.
- <sup>79</sup> Law Institute of Victoria, *Disruption, Innovation and Change* (n 38) 32.
- <sup>80</sup> Moses (n 46) 363-364.
- <sup>81</sup> Goldsworthy (43) 262; Legg and Bell (n 64) 55, 59.
- <sup>82</sup> Chief Justice Robert French, 'Legal Education in Australia — A Never Ending Story', Keynote address to the Australasian Law Teachers' (Association Conference, Brisbane, 4 July 2011) referring to Albert V Dicey, 'Can English Law be Taught at Universities?' (1883) cited by David

Sugerman, 'Legal Theory, the Common Law Mind and the Making of the Textbook Tradition' in William Twining (ed), *Legal Theory and Common Law* (Blackwell, 1986) 26, 30; and Max Radin, 'The Education of a Lawyer' (1937) 25(6) *California Law Review* 676, 688.

<sup>83</sup> Legg (n 42) 60.

<sup>84</sup> See *ibid.*