Submission regarding the review of academic requirements for admission

I submit the following in answer to part 6,

1. I make the following submissions regarding which subjects should be required for admission.
   a. *Civil procedure* should be a required subject. However, if PLT must continue, *civil procedure* should be taught in PLT (where students are focused on practice and are close to practicing as lawyers) and not in law school. It should be based on principles, not one set of court rules.
   b. *Company law* – no submission.
   c. *Evidence* should be taught in either university or, if PLT must continue, in PLT, but not in both. At the moment it is taught in both.
   d. *Ethics* should be taught in either university or, if PLT must continue, in PLT, but not in both. At the moment it is taught in both.
   e. *Statutory interpretation* should not be taught. *Interpretation* should be taught. The modern lawyer needs to interpret *ratio, seriously considered obiter, contract, statute, international conventions* (especially in the private international law context). A lawyer needs to know how to interpret the law. It is odd that limiting interpretation to statutes is seen by many as a goal.
   f. Any answer to part 6.1/6.3 must confront the problems in part 5. You ask in part 6 what core subjects must be done in order to produce competent lawyers. However, subject names like 'evidence' are meaningless without setting out: the content that is taught, the method of assessment, the rigorousness of the marking, the theory v practice trade-off and *et cetera*. I understand what the Dean of Macquarie University's law school says about allowing freedom to universities, but say with respect that there is also an obligation to future clients and the profession to teach and mark the cores to a uniformly high quality. Subjects that are not core are different; they reflect individual strengths of each university. At a minimum, universities should cross-mark a cross-section of papers to check they are all marking to a similar standard in their core units.

2. In terms of standards, I make the following submissions in a question-and-answer form in relation to core subjects only:
   a. Should there be a uniform minimum content requirement in core subjects across Australia? In my opinion, yes.
   b. Should there be standards checking across Australia to check marking and course content standards from the University of New England are the same as the University of Sydney? In my respectful opinion, yes. A pass in criminal law should communicate the same level of knowledge and understanding no matter which university awards the pass; the same principle apples for all other core marks.
c. Should there be a requirement that core classes cannot include theory or anachronistic content? In my opinion, yes. (As an aside, those who recently studied 'Real Property' at the University of Sydney spent almost a quarter of class time studying feudal/ancient land law, which, though oddly fascinating, was and is practically useless. Accordingly, prescribing 'property', as stated above, is meaningless. You need to say what 'property' is, because some lecturers do not understand that feudal land law was not intended to be part of the core property unit.)

d. Should PLT providers such as ANU and the College of Law be allowed to hand out degrees based almost entirely on group work (for the former) and almost entirely on multiple choice (for the latter)? In my opinion no. I have never been before a decision-maker that asked me "a, b, c, d or e, Mr Rares?" and students should not be taught that way.

e. Should PLT providers such as the above be allowed to continue their race to the bottom in terms of contact hours, with some providers now at 1 or 2 weeks of contact time for the entire 'graduate diploma of legal practice'? In my opinion, if PLT should be required, it should be required to be properly taught. It should have a proper core set of content requirements, skill requirements and et cetera that should be rigorously taught and examined.

3. It is no secret that many young lawyers regard PLT as a 'joke'. In theory (but not in practice) PLT is an extremely important conversion course that converts the 'law' that is learned in a degree into something usable in practice. However that theory of what PLT should be is simply not enough to justify its continued imposition. PLT has existed for a long time. Its current incarnation is a failure. If something cannot be done to drastically improve PLT, it should be removed and merged with the LLB/JD degrees.

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1 I submit that in the interests of the quick and cheap delivery of legal education that both practice and law could be taught together by involving the profession in teaching a 'practice' half of each core university course and academics in teaching the 'law' part of the course. If such a system was implemented there would be no need for PLT and minimum practice standards could still be upheld. It would also create accountability. Practitioners would doubtless not stand for feudal land law being taught in any course that they were involved in. Academics would doubtless not stand for the oversimplification of complex concepts.

2 I make this submission in my personal capacity only.