Chair  
Law Admissions Consultative Committee  
GPO Box 4958  
MELBOURNE VIC 3001

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Dear Chair

Review of Academic Requirements for Admission to the Legal Profession

I make the following submission on behalf of the Large Law Firm Group (LLFG).

The LLFG represents Australia’s nine largest multi-jurisdictional law firms including Allens, Ashurst, Clayton Utz, Corrs Chambers Westgarth, DLA Piper Australia, Herbert Smith Freehills, King & Wood Mallesons, Minter Ellison and Norton Rose Fulbright Australia. The LLFG Board comprises the senior management of these member firms.

The LLFG is one of seventeen constituent bodies that are members of the Law Council of Australia, the profession’s peak representative body, which represents more than 60,000 Australian lawyers.

The LLFG acknowledges the need for regular reviews of the academic requirements for admission. The internationalisation of the law and the globalisation of legal practice means the skill sets required by modern legal practitioners working in multi-jurisdictional firms has evolved.

It is the view of the LLFG that law schools do not adequately prepare law students for future practice. There may be a number of reasons for this including insufficient engagement between employers, education providers and students. Either way, the inadequacy exists and, for some years now, it has fallen to the large firms and members of the profession to ensure that newly admitted lawyers are adequately mentored and developed.

The LLFG acknowledges there are some 12,000 law students graduating each year. In the commercial law sector, some will obtain jobs through the various summer clerkship and graduate programs. It is interesting to note that in-house legal practices very rarely employ lawyers from the pool of graduating students. Instead, in-house legal practices tend to employ lawyers with two to three years PAE (post-admission experience), that is, after they’ve received the additional training and mentoring from private practitioners and firms.

The LLFG believes this is indicative of a widening gap that exists between the skill sets required by the profession and those developed by tertiary institutions. The LLFG would like to see greater focus placed on the graduation of students who possess a high degree of commerciality, emotional intelligence, critical reasoning, legal technical skills, interpersonal skills and strong communication skills.

The LLFG notes that the present review only intends to examine four of the Priestley 11 subjects. A limited review of academic requirements for admission will not sufficiently address the gap between the
expectations of employers, tertiary institutions and graduates. In the LLFG's view, a more comprehensive examination of the structure of legal education in Australia is required.

The LLFG believes that all four subjects currently under review - Civil Procedure, Company Law, Evidence and Ethics and Professional Responsibility are critical knowledge areas for the modern legal practitioner. It does not support the abolition of any of these subject from the Priestley 11 without a wider examination of the structure of legal education in Australia.

The LLFG would, however, welcome further examination of the inclusion of statutory interpretation as a core area of legal knowledge. The prominence of legislation as a source of contemporary law means that the performance of statutory construction and an understanding of statutory language has become a critical skill for the modern practitioner. An understanding of statutory interpretation also assists in an understanding of other areas of Australian law such as taxation law, competition and consumer law, court practice, corporations law, and evidence.

The LLFG recognises the importance of reviewing the academic requirements for admission to the legal profession and the need to ensure, where possible, that the legal skills and knowledge currently required by practitioners are adequately reflected in the course offerings available at Australian law schools. However, the LLFG believes a more comprehensive review and consultation on academic requirements for admission would be preferable to the more limited review currently being conducted.

Should you have any further enquiries about this submission, I would be grateful if you please contact the LLFG's Policy Director, Mr Patrick Garcia on (02) 9353 4843 or at pgarcia@llfg.com.au.

Yours sincerely,

[Signature]

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