SUBMISSION TO LACC REGARDING REVIEW OF ACADEMIC REQUIREMENTS FOR ADMISSION TO THE LEGAL PROFESSION

31 MARCH 2015
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ATTACHMENT A: APLEC RESPONSES TO QUESTIONS IN THE LIMITED REVIEW – QUESTION 6 .. 221

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1. INTRODUCTION

Thank you for the opportunity to make this submission on behalf of the members of the Australasian Professional Legal Education Council (APLEC). As LACC members will be aware, APLEC’s membership comprises all the providers of structured Practical Legal Training (PLT) programs in Australia, New Zealand and the Asia Pacific. We do not represent the providers of traineeships, or supervised workplace training programs. However, where they exist, some of our members provide specific programs that supplement and support these programs.

The depth and breadth of the APLEC membership affords us a unique opportunity to identify, discuss, debate and collate best practices based on daily, first-hand and extensive experience in practical legal education and experiential learning pedagogy from a number of different jurisdictions and countries. In addition, APLEC members work closely with the practising profession and actively engage them in their courses as advisors and adjunct faculty. It is against this background and experience that we make this submission to this limited Review of Academic Requirements for Admission to the Legal Profession (the Limited Review).

2. OVERARCHING ISSUES

The Limited Review seeks responses to a number of key questions on Academic Requirements for admission:

a) specific subjects that should be deleted or added to a curriculum;

b) whether other subjects should be included or deleted;

c) whether the Academic Requirements should continue to be confined to statements about fundamental areas of legal knowledge or be broadened to include more general intellectual skills and attributes; and

d) whether the Academic Requirements should be extended to include additional specifications and guidelines to ensure consistency of standards and a means to support the numerous systems and processes focussed on (separately and collectively) the comparison, monitoring, management or accreditation of law students, law program providers or entry into the legal profession.

In responding to the questions raised by LACC, APLEC has identified a number of overarching, fundamental issues which are integral to and shape its response:

- the Drivers for Change in the Legal Profession and the Foundation for the Limited Review;
- the Need and Process For Stakeholder Identification, Engagement and Consultation; and
- the Far Reaching Consequences and Impact of the Changes Proposed.

We have structured our response under these key headings. In Attachment A to this submission, we have referenced our response, where relevant, in answering the specific questions posed by Section 6 of the Limited Review.
3. DRIVERS FOR CHANGE IN THE LEGAL PROFESSION AND THE FOUNDATION FOR THE LIMITED REVIEW

The Limited Review has identified the following matters as the basis for this review:

- the identification of possible areas of overlap between the PLT Competency Standards and the 11 Academic Requirements;
- the request of the Council of Chief Justices to review the inclusion of statutory interpretation in the Academic Requirements;
- other long held criticisms of the Academic Requirements as set out in the Rethinking Academic Requirements for Admission Discussion Paper;
- the development of the Threshold Learning Outcomes (TLOs) and how to reconcile them with the 11 Academic Requirements;
- the recommendation of the Productivity Commission’s Report on Access to Justice Arrangements;
- the “globalisation” of legal practice and the consequences of that for Australian graduates (whose home country may be Australia or overseas); and
- the data available as a result of the Legal Education and Training Review (LETR) from England and Wales.

APLEC acknowledges the importance of these developments and their relevance in recommending a review of legal education. However, APLEC is of the view that there are other, compelling matters which should be added to this list and any review undertaken in their absence, limited or otherwise, would not achieve LACC’s stated objectives and could actively detract from them. APLEC is consequently also of the view that any review of the Academic Requirements, should form part of a comprehensive review of legal education. These matters are discussed, in context, below.

3.1. DRIVERS FOR CHANGE

The legal industry is undergoing a paradigm shift. Globalisation, liberalisation of the profession, the impact of technology on process and availability of information, plus pressure from clients to offer services at lower and more predictable costs, have all been significant drivers for change in the profession. Whilst the depth and breadth of this change is still evolving, there is a clear, global consensus that the change is structural and will be sustained rather than cyclical. At the same time as the profession has been experiencing these changes, higher education has also been undergoing change. The global mobility of students, availability of knowledge online (for example MOOCs), delivery via an increasing number of digital technologies, increased


2 Beaton, supra note 1. See also, the growing prominence of the term, the “new normal” in the literature on this topic since 2010, indicating the prevailing view that the change is here to stay. The term has also become so pervasive in some jurisdictions like the US that it is now being referred to as “the ‘no longer’ new normal” see for example: Above the Law at http://events.r20.constantcontact.com/register/eventjabessionid=64D3E8E25FD0BC1898F21CA3527E785E.worker_registrant?llr=wts5oylab&oeidk=a07e9zu69ec7d6291b.
competition for students, and uncertainty around higher education funding, have changed who, how, when, where and why students undertake higher education.³ For law schools, the combined effect has been that the traditional undergraduate law degree, offered on campus and via a series of in-person lectures and tutorials, focused exclusively on legal concepts taught without reference to context or practice, has become increasingly less relevant to 21st century lawyering and likewise does not support the aspirations of a significant number of law students who have no intention of entering practice.⁴ APLEC is of the view, that any review of legal education must take account of these important and significant changes and the direct impact these have on the content of law degree curricula.

3.1.1. Changing Legal Marketplace
The market for legal services has become intensively more competitive in the last five to seven years, with clients demanding more efficiency, predictability, and cost effectiveness in the provision of legal services.⁵ Legal service providers have responded in a variety of ways, including strategically redesigning their firms⁶ or adopting alternative "NewLaw" business models in order to find sustainable ways to compete.⁷ Another strategy has been to partner on matters with Legal Process Outsourcers (LPOs)⁸ or niche legal service providers of new or packages legal services.⁹ These marketplace developments impact the range and type of legal careers available to law students. They also impact the range and type of legal knowledge, legal skills and competencies required of law students.

As LACC has identified, the globalisation of the legal marketplace has impacted what a lawyer needs to know in order to practise competently and competitively. APLEC agrees that Australian lawyers need to be able to work in an international environment so they have the opportunity for professional mobility and can work seamlessly in culturally diverse environments¹⁰. Whilst smaller practices (which are where approximately 50-60% of lawyers practise¹¹) may not be as directly impacted by globalisation, they are not immune to the changes taking place in the legal marketplace. The traditional work performed by small to medium practices is most at risk of commoditisation.¹² Where these firms do not have the advantage of a strong market differentiator (niche area of practice) or valuable brand to rely on, they will increasingly need to

³ Terri Mottershead and Sandee Magliozzi, ‘Can Competencies Drive Change in the Legal Profession?’ (2013) 11 University of St Thomas Law Journal, 51-86.
⁶ See Allen & Overy’s example of redesigning itself as a “hybrid firm”, consisting of five separate organisations with legal services at its core, including the law firm, a contract lawyer service, a consulting arm, derivative online legal services and a Legal Services Centre (document review service) at http://www.allenow.com/publications/en- gb/legalservicesmodels/Pages/AOs-Strategy.aspx. The strategy reflects the firm’s conviction that a hybrid, multidisciplinary approach to legal services is what is required to meet client demand.
⁷ Examples of such providers are Axiom Law (http://www.axiomlaw.com), Advent Balance (https://www.adventbalance.com) and Riverview Law (http://www.riverviewlaw.com).
⁸ Such as Novus Law (http://novuslaw.com) which specializes in document review, management and analysis for lawyers.
⁹ See for example packaged legal services provided by Legal Zoom (https://www.legalzoom.com) and Rocket Lawyer (https://www.rocketlawyer.com).
¹¹ Based on extrapolated statistics from Queensland Law Society and New South Wales Law Society 2013-2014 Annual Reports.
¹² Beaton, supra note 1.

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innovate and adapt to change. Legal employers of graduate law students, need these students to “hit the ground running” and consistently demonstrate knowledge, skills and competencies relevant to the contemporary legal marketplace or 21st century legal practice.

Also and regardless of the size of the firm, in the new and evolving business models for legal service providers, training graduate lawyers is increasingly less able to be accommodated. In the new legal marketplace, where experienced professionals are increasingly time poor due to intense competition, there has already been a discernible decline in the number of entry level positions and/or capacity to provide the necessary supervision and training for law graduates generally. Thomson Reuters recently reported that for the 130 senior fee-earning legal professionals in the large to mid-sized firms they surveyed, “lack of time and the inability to find the right people” were “key problems holding firms back from excellence in all areas”. The same respondents also noted that only about 50% of firms “have a staff training program in place.” If the positions for junior lawyers continue to decrease and/or training needs are unmet, whatever the business model, both the undergraduate/JD and practical legal training stages of legal education need to be rethought and innovative solutions need to be found to accommodate this change.

Additionally, in our experience and based on the changes taking place in the profession, we urge against any assumption that the traditional opportunities for training “on the job” will be available going forward or that these are appropriate. More and different knowledge, skills and capabilities are required of 21st century legal practitioners. Learning and career development opportunities in law firms need to keep pace. While the issue of practical legal education versus “on the job” experience has been under discussion on and off for some time, in our view, recent changes to practice recommend a review of the adequacy of law firm training and supervision as part of the comprehensive review we have proposed. In our experience, it would be unwise to assume that law firms will be able to provide the level of support and instruction now required for students to successfully transition from undergraduate/JD programs to 21st century practice. Further, if it is contemplated that law firms take on this role, then there would be significant resource issues for law societies in all states and territories. For example, there would need to be a significant increase in the supervision of training contracts by these law societies to ensure appropriate training programs were in place, these were of sufficiently high quality, that all appropriate areas of instruction were being covered, and students were being fully supported in their transition. At present, this level of support and instruction is provided by practical legal education (PLT) programs at higher education institutions and, as LACC is aware, all PLT Programs are regulated, accredited and work closely with the practising profession.

In our view, it is important to consider legal education as a continuum with each stage part of a comprehensive whole where legal knowledge, skills and competencies are acquired continuously, over time. For the reasons noted above and others that will be considered below, it is APLEC’s view that the Academic Requirements should not be considered in the absence of changes that are taking place in the legal industry or the knock-on effect this will have on practical legal education and the training of future generations of lawyers. APLEC therefore recommends against the Limited Review proceeding further in absence of a comprehensive consideration of these matters by a broad cross section of affected stakeholders.

15 Ibid.
3.1.2. Changing Nature of Legal Work

The nature of legal work has changed. The different buying behaviour of clients plus the capacity of technology to improve processes and change the availability and transparency of previously specialised knowledge, has enabled new legal services to be delivered in new and different ways and, as noted earlier, by new and different non-lawyer providers. These different work types have also spawned a number of new professions within the legal industry. A knowledge of the law is increasingly becoming a foundation for or stepping stone into other non-lawyer careers.

Clients are not adverse to separating matters into discrete tasks (unbundling or disaggregating) and using a variety of providers to increase efficiency and save costs. Work at the bottom of the pyramid (traditionally done by and a rich source of experience and learning for law graduates) is increasingly being outsourced and new legal roles and skill sets (such as project management to co-ordinate and re-integrate the disaggregated components of legal matters), are emerging. Due to the downward pressure on fees, new graduates admitted to the profession not only need a level of legal process and systems related technical competence, but also an understanding of how to perform that legal work efficiently. The trend of using smart technology and automating processes to meet client cost demands means that graduates need a set of digital literacies in order to be employable, much less effective.

In addition to increased efficiency, clients are also demanding cost predictability and a greater return on investment spend. Meeting this level of service expectation involves a mindset and level of commercial awareness that goes beyond what graduates are typically equipped with. The value of legal advice is now often dependent on a complementary understanding of interdisciplinary knowledge, such as commerciality and finance (business acumen), people management (supervision, delegation, giving and receiving feedback, empathy), communication, relationship building and inter-personal skills, client service excellence, technology, problem-solving, self-awareness and self-management to name just a few. In addition to the reactive (or emergency) provision of legal advice, providing value to clients requires an understanding of their business and their potential legal issues in order to supply preventative solutions within a risk management and compliance framework. Where students were once required to enter practice with an understanding of the practice of law (substantive law and legal skills) they are increasingly required to also have an understanding of the business of law. This change in knowledge, skills and competencies has led some law schools to partner with business schools for legal practice related, customized courses in the business of law.

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16 Beaton, supra note 1.
19 More than merely a commercial client demand, this is also a statutory responsibility under the Legal Profession Act 2007 (Qld) and comparable provisions in other states. There are also “affordable access to justice” arguments behind the more efficient and effective practice of law.
22 See for example Northwestern Law School and Kellogg School of Management at http://www.law.northwestern.edu/academics/curricular-offerings/law-business/. Some law schools also offer joint JD/MBA programs and other combinations of these degrees. Northwestern is another example of these combinations. The University of Pennsylvania Law School and Wharton Business School is another example: http://executiveeducation.wharton.upenn.edu/for-individuals/all-programs/partnership-programs/wharton-certificate-in-management.
These changes to the nature of legal work have been swift and widespread. APLEC is not, at this stage, making firm recommendations as to what re-envisioned Academic Requirements for admission should look like, but we again reiterate that it is our view these changes point to the need for a comprehensive review which aims to deliver contemporary solutions. It is also our view that in the absence of this approach, we are concerned that decisions may be taken that would widen the gap between the skills and competencies provided by legal education for graduate lawyers, and their readiness for the current (and future) legal services marketplace (however and by whomever these services are provided). For example and as discussed above, when clients and supervisors are increasingly demanding a better understanding from students of the commercial and business environment in which they operate, it would seem unwise to remove Company Law as an Academic Requirement for admission in absence of a much wider and deeper discussion within and outside the profession.

3.1.3. Changing 21st Century Legal Workforce

It follows from the developments outlined above, that the 21st century legal workforce has changed. As legal service providers adopt alternative business models to meet the demands of the evolving legal market, they also need to develop different staffing models that are appropriately aligned and will support the achievement of their business goals. As noted earlier, non-traditional or new law business models and ways of providing legal services have given rise to different careers for lawyers. These careers include contract lawyers, lawyers on secondment, hybrid lawyers (with a second area of expertise) and virtual lawyers. In some jurisdictions, the experience or additional training undertaken by those in a traditional paralegal role, has given rise to non-lawyer Limited License Legal Technicians. Law firms (and other professional service providers) that have added contract, multidisciplinary consulting or legal support divisions to their client offering, now need a mix of alternative careers to support the delivery of effective, efficient and high quality service to those clients. These new roles also support and appeal to a legal workforce and clients who are increasingly focused on the ability to work remotely (for example from home), during non-traditional or more flexible hours or at the client’s premises.

Technology and the increased complexity of legal practice have also impacted the types of career paths available to law graduates. Technology, beyond e-litigation and the complexities associated with digital evidence, has profoundly impacted how lawyers deliver services and what they can charge for those services. Law graduates who are not technologically savvy will struggle to practise efficiently and will be a


24 Recently introduced in Washington and soon to be introduced in California, New York and Georgia. See Mottershead and Magliozzi, supra note 3 at 72.


cost that no law firm can afford. Additionally, changes in the way in which disputes are resolved (through mediation and negotiation), the decreasing reliance on litigation as a means of conflict resolution, and the rise of cyber-negotiation and cyber-mediation are likewise changing the relevance not only of core knowledge and skills for law graduates but also, again, the need for competencies in the technology based delivery of these practice areas. The increasing complexity of legal practice has also supported the rise in higher levels of practice area specialisation. These changes have and will result in previously unthought-of roles and careers. The Academic Requirements identified for consideration in the Limited Review, and perhaps missed in the undergraduate/JD degree, are in practice areas directly impacted by these changes – see for example, Civil Procedure, Evidence and Ethics and Professional Responsibility. In APLEC’s view, these changes should not, therefore, be considered in the absence of careful consideration of how the contemporary legal marketplace has changed the content and application of these subjects as well as how, where, when and by whom they are best taught.

3.1.4. Changes in Higher Education and the Law Student Profile

As the developments in the legal market and legal workforce have evolved, law schools have started to respond to them. Law firms are looking to law schools (and this is happening in other industries across higher education generally) for work-ready, competent graduates. Law students are looking for highly relevant education so they are able to get a job, make meaningful and relevant contributions, be as productive as quickly as possible, and differentiate themselves in an increasingly competitive job market.

As clients have demanded changes to and by their legal service providers, law schools are feeling the knock-on effect from their clients: law firms, business and students. The demands on law schools has focused on translating what is happening in the contemporary marketplace into new additions to or deletions from current courses and programs. Some law schools have embraced this change and gone beyond “tweaking” existing courses and programs. They are developing and starting to offer new and innovative courses and programs:

- to support the new jobs emerging in the legal industry for lawyers, and
- the new focus on law for non-lawyers increasing as a consequence of the expanding regulatory and compliance framework impacting business.

For these reasons and as noted earlier, re-envisioning the law curriculum is unlikely to stop at content; it will also need to extend to the teaching staff, teaching modes and pedagogies adopted.

As an example, the downward pressure on fees being experienced in the market means legal education needs to emphasise capacities to develop efficiency and “pragmatic decision making under conditions of uncertainty.” This may require new courses, new content in existing courses or new types of assessment focused on legal project management. With technology enabled virtual or remote provision of legal

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28 See for example Susskind, Tomorrow’s Lawyers, supra note 1 at 47.
29 Mottershead and Magliozzi, supra note 3 at 77.
30 Mottershead and Magliozzi supra note 3 at 63.
31 New York City Bar Report (USA), “Developing Legal Careers and Developing Justice in the 21st Century” as cited in Beaton, supra note 1 at 90-91. The point is made that the traditional approach of legal education “to research and consider every possible aspect” may not be the right fit for the “new normal”. See also, Margaret Thornton’s comments in Bastian, supra note 27 at 31, that “graduates must be able to adapt quickly. They must learn to think creatively to deal with novel situations.” Refer also to Sally Kift (2008), 21st Century Climate for Change: Curriculum Design for Quality Learning Engagement in Law. Legal Education Review, 18(1-2), 1-30.
32 There has been an increasing focus on the development of this skills set for lawyers in the last 5 years: see for example the focus on legal project management by Mallesons from 2011 reported by Pam Woldow and Doug
services, digital modes of learning and teaching beyond online readings and discussion boards (such as negotiating a contract via online tools or collaborating with a multidisciplinary team) will need to find their way into the law curriculum.\textsuperscript{33} If the legal education that graduates experience is not useful, a law degree becomes very unattractive, particularly in light of the already high HECS debts students leave with, which may become even larger with the deregulation of fees recently proposed in Australia.

From the perspective of higher education providers, the law degree is also being influenced by changes in the profile of law students. There is an increase in enrolment numbers in the Doctor of Jurisprudence (JD) degree, populated by students from diverse backgrounds who already have experience and expertise from a previous career or area of study. They are increasingly sophisticated buyers of a legal education - they have different reasons for undertaking a law degree and have different expectations of it. Whilst the Priestley 11 has always operated with a "light-hand", as discussed earlier, undertaking only a limited review of the current Academic Requirements may not permit law schools to make sufficiently rigorous changes to their curricula in order to accommodate these trending demands of employers, students and the nature of legal work. This need for law schools to innovate and the consequent need for legal education regulatory bodies to be supportive of it, has been most recently recognised in 2014 by the American Bar Association's \textit{Taskforce on the Future of Legal Education}. The Taskforce identified in its Report a need to be supportive of and encourage experimentation and innovation in law schools, improve the value of law degrees and expand opportunities for the delivery of legal services.\textsuperscript{34} It further identified the need to shift further the balance towards practical legal education from theoretical or doctrinal instruction, identified the move to towards limited licence practitioners and the importance of new and different legal education pricing and funding models.\textsuperscript{35}

On reflection, APLEC is of the view that all of these changes go beyond the constraints of the Limited Review, cannot be divorced from it, and again, point to the need for a comprehensive review of legal education.

\section*{3.2. FOUNDATION FOR THE REVIEW}

\subsection*{3.2.1. Overlap between the PLT Competency Standards and the 11 Academic Requirements}

Whilst there may appear to be overlap from the names of subjects undertaken in LLB, JD and PLT curricula, the starting point is quite different. In many, if not most of these subjects, a PLT program starts where the LLB or JD curriculum ends i.e. with an understanding and assumption that substantive law issues have been taught and understood so the focus can be on practical application. The purpose of the PLT curriculum is distinct from the undergraduate or Doctor of Jurisprudence law curriculum. Primarily, the PLT curriculum is based on competencies (knowledge and skill application) as opposed to learning outcomes (knowledge and skill acquisition). The PLT curriculum therefore requires students to process and demonstrate learning in a way that enables them to apply knowledge and skills in a number of different practice areas, in a variety of different situations, and through a variety of different tasks.\textsuperscript{36} The LACC \textit{PLT Competency Standards for...
Entry Level Lawyers (January 2015) express competencies for a range of skill areas, the transactional steps and tasks for key practice areas as well as applied ethics and professional responsibility. The activities and assessment undertaken by students in PLT focus on procedural as opposed to declarative knowledge, with repeated opportunities to engage with and practise specific procedures and attributes in order to develop personal capacity. APLEC therefore agrees (as noted earlier) with the observation made by LACC that legal education in Australia occurs in a continuum with PLT subjects building on what has been done in the undergraduate phase.\(^{37}\) Removal of any courses from the Academic Requirements for admission will have content, resourcing and financial implications for all PLT programs – this is discussed further in paragraph 5.1 below.

Conversely but for similar reasons, it would be inappropriate to exclude subjects, for example ADR, in any revised Academic Requirements only because it was already “covered” in the PLT curriculum. Using ADR as an example, in an undergraduate law degree as the dichotomy currently exists, students would perhaps develop knowledge about the process of ADR, compare and contrast different dispute resolution processes, critically evaluate the adversarial system, examine the role of legal professionals within alternative dispute resolution processes and practically, develop communication and negotiation skills, particularly if they participate in a competition. But they would probably not develop competencies giving them the ability to actually execute or facilitate the early resolution of a dispute (in person and/or using technology), work through the strategic planning and preparation for a mediation with a client or carry out the negotiations effectively to obtain a good result. PLT provides the “bridge” between university and work – it is not, in its current compacted form, able to provide the depth and breadth it may be called on to do if the courses noted in the Limited Review were removed from the Academic Requirements.

Moreover and significantly, not all law graduates in all states and territories are required to complete a PLT program. Once they have exited law school, some graduates have the option to move directly into a supervised traineeship with or without supplementary PLT courses. These law graduates would therefore never be required to undertake those areas of knowledge removed from the Academic Requirements. Given the areas of legal study identified as possible “deletions” from the Priestley 11, it is APLEC’s view that trainees would struggle in practice and this would place an unworkable burden on supervisors (who can have as little as three years post admission experience themselves) to carry out this educative function with the inherent increased level of supervision that this would require – please refer again to the discussion in paragraph 3.1.1. above.

3.2.2. The Inclusion or Deletion of Subjects from the Academic Requirements for Admission

As outlined in paragraph 3.1 above, APLEC is of the view that any review conducted of the Academic Requirements should be cognitive of the current legal marketplace and also be forward looking. It is important that any review recognise that there are multiple outcomes for students who undertake a law degree and go on to or choose not to seek admission to practice. The Academic Requirements for admission currently mandate the core curriculum for all law students.\(^{38}\) With the exception of a few electives and some differences in assessment, the undergraduate and JD law degrees are homogeneous and relatively the same for everyone.\(^{39}\) Therefore, any changes to the Academic Requirements of a law degree, will have a wider impact than just affecting the number of subjects to be studied for admission. We raise this

\(^{37}\) LACC, Review of Academic requirements For Admission to the Legal Profession, November 2014, 7.


\(^{39}\) See Margaret Thornton’s comments in Bastian, supra note 27 at p.31.
again to illustrate that the Limited Review will have wide ranging implications, well beyond those law students who intend to practise.

With respect to the areas of legal study identified as possible “deletions” from the Priestley 11, APLEC offers the following general comments:

a. As outlined above in paragraph 3.1.1, there has been an increase in the number of legal service providers adopting alternative business models, e.g. the rise of multi-disciplinary practices (MDP) and incorporated legal practices (ILP) alongside non-legal businesses. Ethics and professional obligations in this context are potentially more complex than in a traditional partnership practice. In the context of the reality of practice today, continuing to have Ethics and Professional Responsibility as part of the Academic Requirements becomes arguably even more important. This obligation is statutorily recognised with the requirement that a legal partner in a MDP or a director of an ILP must be responsible for the firm’s ethical practice.

b. Similarly, whether in a multi-disciplinary, limited liability or traditional partnership structure, law graduates need Company Law to have an understanding of the business structure that they work within. They also need the principles of corporate governance contained within Company Law to inform much of what legal workers do in today’s diverse range of professional roles. In today’s ever increasing competitive environment for legal practice, the emphasis is on being client-centric. Failure to understand Company Law is essentially a failure to understand the business requirements and risks of your clients, putting graduates who do not have this knowledge and skill set at a disadvantage in terms of being able to provide valuable advice.

c. These brief comments further suggest a need to conduct a review of the Academic Requirements with a broader range of stakeholders (e.g. Australian Corporate Lawyers Association and The Commercial Law Association of Australia Ltd, which has a multidisciplinary membership) in order to ensure full consideration of all contemporary issues of relevance.

d. We have made reference to the relevance and importance of Civil Procedure and Evidence in paragraph 3.2.5 below.

3.2.3. The Inclusion of Statutory Interpretation in the Academic requirements

The Limited Review notes that several members of the judiciary have explained the importance of statutory interpretation and the increasing necessity of a sound ability in this area, as statutes are now the dominant source of law and their interpretation a task that the courts are called upon to perform frequently.

APLEC does not dispute the importance of statutory interpretation. APLEC is of the view that the inclusion or deletion of subjects should be part of a comprehensive legal education review and should not be advanced piecemeal or in absence of input from a broader range of stakeholders.

3.2.4. References to the England and Wales Legal Education and Training Review (LETR)

While there are some similarities between the Australian legal education continuum and England & Wales, it is APLEC’s view that there are sufficient differences to recommend against LETR being used as a foundation or substitution for an Australian comprehensive legal education review.

For example:

a. The English Foundations of Legal Knowledge formed only a small part of the evidence set of LETR.40

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b. England and Wales have a different legal education continuum from Australia as Table 1 below illustrates. Prior to admission, solicitors in England and Wales study or participate in structured workplace learning for a period of 2 years and 8 months beyond what Australian solicitors are required to undertake. The England and Wales Legal Practice Course is not the same and fulfills different purposes from the Australian Practical Legal Training stage of legal education. For example and perhaps most relevant for these purposes, there is a different distribution of substantive law instruction between undergraduate and PLT programs.

C. There are a number of Recommendations (6 and 7) in LETR\(^\text{41}\) that advocate for Ethics to be included in the Foundation subjects. Ethics is part of the Foundation degree in Scotland. Paragraph [4.104] does say that there was no majority support for the introduction of professional ethics as a further Foundation subject, but goes on to propose that the Qualifying Law Degree should include outcomes that advance an awareness and understanding of the values embedded in law and the role of lawyers in advancing those values.\(^\text{42}\)

Table 1: Australian vs. England and Wales Legal Education Pathway

<table>
<thead>
<tr>
<th>Australia</th>
<th>England &amp; Wales</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Undergraduate Law Degree (LLB) including 11 Academic requirements.</strong></td>
<td>Qualifying Law Degree (QLD) including the seven Foundation Subjects*</td>
</tr>
<tr>
<td>3 year minimum.</td>
<td>Typical 3-year degree. *Public Law is one subject, but incorporates constitutional law, administrative law and human rights law, all of which would be treated separately in most Australian universities. Obligations similarly includes contract, restitution and torts.</td>
</tr>
<tr>
<td><strong>Graduate Diploma of Legal Practice (PLT). Adheres to the LACC National Competency Standards for an Entry Level Lawyer.</strong></td>
<td>Legal Practice Course or The Bar Professional Training Course Outcomes are prescribed.</td>
</tr>
<tr>
<td>Can be done full-time in 15-25 weeks or part-time in 30-49 weeks. Incorporates work placement component of minimum 15 days.</td>
<td>1 year full time or 2 years part time.</td>
</tr>
<tr>
<td><strong>Admission to Practice.</strong> Those wanting to become a Barrister must then do an entry exam and a 6-week Bar Practice Course.</td>
<td>2 year Solicitor Training Contract. Compulsory Professional Skills Course (PSC) must be completed by the end of the training contract. 1 year Bar Pupillage. Advocacy Training &amp; Practice Management Course must be completed during pupillage.</td>
</tr>
<tr>
<td>Pre-qualification supervised practice. Regulated Standards as to outcomes and what providers must abide by if they want to be authorised to supervise trainee solicitors. Required to submit to inspection by the Solicitors Regulation Authority. Pupils must achieve a standard of performance that is “capable of rendering a real and valuable service to the client.” Strict criteria with respect to who is authorised and has the seniority to supervise.</td>
<td></td>
</tr>
<tr>
<td><strong>Supervised Practice Period</strong>(^\text{43})</td>
<td>Admission to the Roll or Entrance to the Bar.</td>
</tr>
<tr>
<td>12 months for Barristers 18 months – 2 years for Solicitors.</td>
<td>No regulations other than mandatory CPD. Ad hoc in many cases. Varied experience throughout the profession.</td>
</tr>
</tbody>
</table>

\(^{41}\) Ibid, 287-288.  
\(^{42}\) Ibid, 144.  
\(^{43}\) Legal Profession Act 2006 (ACT) s 50; Legal Profession Regulation 2007 (ACT) s 13; Legal Profession Act 2004 (NSW) s 53; Legal Profession Act (NT) s 73; Legal Profession Act 2007 (Qld) s 56; Legal Profession Act 2007 (Tas) s 59; Legal Profession Act 2004 (Vic) s 2.4.18; Legal Profession Act 2008 (WA) s 50. In SA, the requirement is not contained in the Legal Practitioners Act 1981 (SA) but in the Rules of the Legal Practitioners Education and Admission Council 2004 (SA) r 3.1.
3.2.5. Lack of Rigour and Evidentiary Basis

Further to the preceding paragraph, APLEC notes the following matters raised in the Limited Review which it suggests supports a deeper and broader discussion in the Australian legal education context:

a. In section 2 of the Limited Review dealing with the Need for Academic Requirements, LACC has suggested that the proportion of lawyers practising in specialised areas as opposed to general practice appear to have increased and that as a result, some of the 11 Academic Requirement subjects may not be relevant. APLEC is of the view that this statement does not fully canvas the interplay between subjects whether specialised or not.\textsuperscript{44} For example, a family lawyer needs an understanding of property, businesses, superannuation legislation, financial structures such as trusts etc. in order to deal with matrimonial assets, in additional to an in depth knowledge of family law.

b. The NSW 2013-2014 Practising Certificate Survey\textsuperscript{45} asked members to nominate their main area of practice. There was an upward trend in both corporate law and general litigation. Most commonly nominated as dominant areas of practice were Commercial Law 33.7%; Civil Litigation 22.9%; Corporate Law 22.7% and General Litigation 20.2%.\textsuperscript{46} To remove Company Law, Civil Procedure and Evidence from the Academic Requirements for admission would seem to be at odds with this documented state trend.

c. While significant work has been undertaken in legal education in the last five to ten years, as evidenced by Table 2 below, it has tended to be piecemeal and on specific issues for specific purposes. As discussed earlier, the Limited Review provides additional substance for the need for a more comprehensive approach much like that taken by LETR. LETR was conducted over a period of two years (June 2011-June 2013) and is ongoing. The description of the approach to the study and the processes and methodologies used to build the empirical base upon which the Recommendations are based, is 8 pages long and further supplemented by Appendix D which is 19 pages long.

\textsuperscript{44} Chief Justice TF Bathurst, ‘Legal Education — Does it Make Good Lawyers?’ (Address to Mark the 40th Anniversary of the Foundation of Macquarie Law School, Macquarie University, 15 November 2012), 18.

\textsuperscript{45} Completed by 12,333 practising solicitors, the highest response rate of any Practising Certificate survey and representing nearly half (49%) of all NSW practising solicitors as at July 2013.

<table>
<thead>
<tr>
<th>Year</th>
<th>Initiative</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>Australian Law Reform Commission: Managing Justice: A Review of the Federal</td>
<td>This inquiry focused on practice, procedure and case management in federal civil courts and tribunals, such as the Federal Court of Australia, Family Court of Australia and Administrative Appeals Tribunal (AAT), as well as on issues such as costs, delay, legal ethics, legal and judicial education, judicial accountability, alternative dispute resolution, legal aid and expert witnesses.</td>
</tr>
<tr>
<td></td>
<td>Civil Justice System (ALRC Report 89)</td>
<td></td>
</tr>
<tr>
<td>2002</td>
<td>APLEC National Competency Standards</td>
<td>To describe the observable performance in a number of key areas required of entry-level lawyers at the point of admission to practise</td>
</tr>
<tr>
<td>2003 - 2010</td>
<td>Curriculum Structure Innovations</td>
<td>A focus on the First Year Experience transitioning into law school and Final Year Capstone courses to transition out of law school into PLT or the workplace</td>
</tr>
<tr>
<td>2008 - current</td>
<td>Growth of Experiential Learning Opportunities</td>
<td>An increasing recognition of the importance of work integrated learning (WIL), including virtual WIL units, community lawyering models, clinical legal education etc.</td>
</tr>
<tr>
<td>2009</td>
<td>CALD Standards for Australian Law Schools</td>
<td>To enhance the quality of Australian law schools in all of their diverse endeavours, and to do so by assisting all Australian law schools to strive for and reach a clearly articulated set of standards</td>
</tr>
<tr>
<td>2010</td>
<td>Wellness Network for Law</td>
<td>A community of legal academics, practitioners and students who are committed to addressing the high levels of psychological distress experienced in law and promoting wellness at law school, in the legal academy, and in the profession.</td>
</tr>
<tr>
<td></td>
<td>Other initiatives include Resilience training at the PLT stage and ongoing</td>
<td></td>
</tr>
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<td></td>
<td>work by the Tristan Jepson Memorial Foundation</td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>Australian Learning &amp; Teaching Council Threshold Learning Outcomes</td>
<td>Developed for AQF Learning and Teaching Academic Standards in preparation for the creation of TEQSA.</td>
</tr>
<tr>
<td>2013</td>
<td>Attorney-General’s International Legal Services Advisory Council</td>
<td>The International Legal Services Advisory Council (ILSAC) was established to improve the international performance of Australia’s legal and related services. It closed in November 2013.</td>
</tr>
<tr>
<td>2014</td>
<td>Positive Professional Identities</td>
<td>Explicit inclusion of positive lawyering knowledge and practice with a particular emphasis on lawyers’ roles as upholders of the rule of law, as dispute resolvers and as ethical professionals.</td>
</tr>
<tr>
<td>2015</td>
<td>APLEC National Competency Standards</td>
<td>To describe the observable performance in a number of key areas required of entry-level lawyers at the point of admission to practise</td>
</tr>
<tr>
<td>Ongoing</td>
<td>Pedagogical Developments</td>
<td>Ongoing development of innovative pedagogies across the legal education continuum aimed at developing active, collaborative, reflective and independent learners.</td>
</tr>
</tbody>
</table>
4. STAKEHOLDER IDENTIFICATION, ENGAGEMENT AND CONSULTATION

Whilst the Limited Review is described as “limited”, APLEC is of the view that the implications will be wide reaching and can only be fully answered after comprehensive engagement with an extensive and multifaceted group of stakeholders. As noted on p. 5 of LETR:

> there are risks in treating complex problems as ‘tame’ issues capable of traditional linear resolution… complex problems are more likely to require solutions that build shared understanding of the problem amongst a range of stakeholders and build a shared commitment to action.

APLEC recommends the inclusion of a broader group of relevant stakeholders engaged as part of a comprehensive legal education review.

4.1. RELEVANT STAKEHOLDERS

Identifying stakeholders is the first step in any comprehensive review process. APLEC is of the view that a legal education comprehensive review should include not only CALD and APLEC, but should also formally invite a broad cross-section and representation of the national profession, in-house counsel, talent management/HR specialists in law firms, undergraduate/JD law teachers, practical legal education teachers, law students (current, immediate past students and those a few years out), court professionals (Registrars), professional associations (such as STEP, FLPA, ACLA, NADRAC, ALPMA, SCL), CPD/CLE providers in law societies and Bar associations, professional bodies representing learning and development professionals (CLEAA – Continuing Legal Education Association of Australasia), not-for-profits and other relevant regulatory bodies such as AQF and TEQSA. Non-legal entities that engage lawyers or law qualified persons for compliance, risk management, procurement or governance type tasks and their professional or association groups should also be considered. Stakeholders should also be encouraged to self-identify. It is also essential in this process that diversity plays a key and central role.

4.2. METHOD OF ENGAGEMENT AND CONSULTATION

Stakeholders would typically be engaged and consulted through a plethora of media (including surveys, interviews, focus groups, briefings and debriefings) and encouraged to participate using various different traditional and social media. It is also important that engagement is encouraged over a reasonable period of time. It is APLEC’s view that consultation for the Limited Review has been too narrow and too short, coming, as it did, over the Christmas / January period, when most organisations would find it difficult to co-ordinate responses or fully participate. There has, regrettably, been no opportunity for stakeholders to engage other than in isolation and in writing.

4.3. CALD SUPPLEMENTARY SUBMISSION TO LIMITED REVIEW (23 March 2015)

APLEC has had the opportunity of reading CALD’s Supplementary Submission to the Limited Review (23 March 2015) (CALD-SS) and provides the following initial comments with respect to it:

1. We confirm our recommendations in this submission that any review undertaken should be comprehensive (CALD-SS paragraph 4).
2. We agree that the comprehensive review (CALD-SS paragraph 5) and its implementation will need to be fully funded (CALD-SS paragraph 16).

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47 Society of Trust & Estate Practitioners (STEP); Family Law Practitioners Association (FLPA); Australian Corporate Lawyers Association (ACLA – in-house counsel); National Alternative Dispute Resolution Advisory Council (NADRAC); Australian Law Practice Managers Association (ALPMA); Society for Construction Lawyers (SCL).
3. We agree that the establishment of a Review Committee would be appropriate (CALD-SS para 6) but that limiting this to three is likely to be too exclusive. Members of this Committee would need to be well acquainted with contemporary legal education, practical legal education, continuing professional development, legal practice and talent management in law firms as well as representative of those organisations using legal services. We would expect the Committee to be a group of 5 or 6.

4. With respect to CALD-SS paragraph 7:
   a. We agree that the appointment of an Executive Officer (EO) would be necessary to act as project manager for the review (CALD-SS paragraph 7). We also agree that a literature review would be essential but we suggest this be undertaken independent of the EO. In our experience, given the depth and breadth of this project, we believe it warrants a full-time employee whose sole focus is on managing all the moving parts, only one of which will be the literature review. Others will include developing a communication plan, liaising with and managing independent organizations/personnel, receiving, collating and distributing information to the proposed Review Committee, keeping minutes of meetings of the Review Committee, etc. Given the depth and breadth of the review, this will quickly become a full-time job.
   b. APLEC notes that any literature review should include the identification of best practices internationally and lessons learned. It should also focus on contemporary legal practice and identify key stakeholders as well as key issues with this in mind. Time will need to be spent to identify stakeholders as discussed in paragraph 4.1 above.
   c. Having noted this broad agreement, APLEC recommends an alternative approach to that outlined in CALD-SS paragraph 7. Rather than requiring that an Executive Officer undertake a literature review to identify key issues and stakeholders, APLEC recommends engaging stakeholders themselves to identify key contributors and refine relevant themes at a multi-day, in-person Critical Issues Summit. The Summit would be attended by key stakeholders and representatives of key stakeholder groups. Attendance would be by invitation and invitees would be the thought leaders in their organizations, identified by their organizations. Sessions would focus on refining and defining key themes and issues which would then become the subject of follow up work in surveys, focus groups and interviews. A Summit would have the advantage of “real” input from a broad range of stakeholders early in the process and ensure that the follow up work was well informed and captured input from all stakeholders. It would identify the process as being inclusive and collaborative. It would indicate a willingness to find solutions in partnership, it would very likely increase the level of engagement across the board and garner the support of stakeholder groups in disseminating and collating information and data where relevant. See for example work undertaken on this basis in the US in 2009 by ALI-ABA and ACLEA.48

5. We agree that the engagement of an independent research company is critical (CALD-SS paragraph 9).

6. We agree that a survey (and perhaps more than one), focus groups and interviews would be required (CALD-SS paragraphs 10-11) and that these also need to be conducted by an independent entity using a technology based platform as well as face-to-face interactions. It will be critical, in this phase, to obtain diverse feedback so that input is representative of all stakeholders.

7. We are in general agreement with the process otherwise outlined in CALD-SS paragraphs 12 – 19 and APLEC members add to this, their offer of assistance with hosting focus groups, etc.

8. With respect to CALD-SS paragraph 16, in our experience, we believe it is more likely to take 18 months – 2 years from start to conclusion of the data collection and consultation process rather than the 12 -18 months noted.

5. CONSEQUENCES AND IMPACT OF THE CHANGES PROPOSED

Changes to subject areas, the drafting technique of the Academic Requirements and their regulatory intent, will have broad and far reaching implications on legal education in Australia. They could, if advanced, also have significant resource implications for legal education providers.

5.1. THE LEGAL EDUCATION CONTINUUM

In LACC’s response to the Productivity Commission\(^{49}\), it acknowledged that the PLT Competency Standards for Entry Level Lawyers assume that all students undertaking the Graduate Diploma of Legal Practice enter the course with an understanding in each of the Academic Requirements subjects. The NSW Legal Profession Admission Board requires students, who wish to commence PLT concurrently with completion of their final two or one academic subjects in their law degree, to obtain the Board’s permission. Permission will not be granted if the remaining academic subjects are Priestley 11 subjects. This will no longer hold true if the proposed Academic Requirements are removed from the LLB and JD curricula. Assuming the current PLT Competency Standards continue to apply, then time will need to be spent on educating students in these fundamentals before the standard PLT curriculum can be resumed. This will also have significant ramifications most particularly regarding the length of LLB, JD and PLT as well as consequent resourcing implications. While this was mentioned in LACC’s Discussion Paper, Rethinking Academic Requirements for Admission\(^{50}\) it was not explored.

APLEC is of the view that there are a number of initial possibilities that flow from the Limited Review, if the Academic Requirements are changed (four subjects removed from the LLB/JD curricula), this could mean:

a. Retaining the current length of the LLB and JD and increasing the number of electives but also increasing the length of the PLT to accommodate foundation learning that would not necessarily have occurred. Subjects that were offered but no longer may be needed in the LLB/JD could be removed with consequent teacher redundancies to follow where teachers could not be retrained (to teach e.g. in the PLT) or redeployed. This will also increase the fee burden on students who would now need to undertake additional subjects in the PLT and it would increase the resource burden on PLT programs that may have to employ additional staff to teach these programs.

b. Decreasing the length of the LLB/JD and increasing the length of PLT so the net gain/loss is equivalent in terms of time. This would still result in a reallocation of resources from the LLB/JD to the PLT most particularly to increase the number of experienced and trained, practical legal education teachers.

c. Fully integrating the LLB and PLT (as is already done in a smattering of law schools nationally) or having the LLB/JD followed by PLT, but with dedicated work integrated learning (WIL) experiences thoughtfully aligned and properly assessed throughout.\(^{51}\)


\(^{50}\) LACC, Rethinking Academic requirements for Admission, February 2010, 7.

\(^{51}\) As recommended by the Australian Learning & Teaching Council, Guidelines for practice: Integrating practice based experiences, 2011.
d. Another option highlighted in the 2007 Carnegie Report\(^\text{52}\) is the integrated three-pronged complementary model of cognitive/intellectual, practical and identity/purpose apprenticeships.

e. All these options have significant time, human resourcing (qualified teachers) and financial considerations. This will potentially involve not just the time and funding to develop or redesign new courses and programs, train or re-train teachers, but also adopt new approaches to learning and teaching.

Additionally, as recognised by LACC, the proposals to include and/or delete subjects from the current Academic Requirements raise queries about what other areas of contemporary legal practice should be included among future Academic Requirements. If the compulsory core of the academic program is to be reduced and replaced with a number of electives, does this change the nature of the law degree? Will it move increasingly towards a generalist or liberal arts degree and away from a professional qualification? Will it instead become more specialised? If it is more specialised, how will that impact combined degrees versus JD programs? Should Australia move away from one law degree for everyone in favour of streams and move fully into steamed degrees for those who want to practice versus become an academic versus work in industry? Adding, deleting or placing subjects in different places or stages of the legal education continuum has a back flow and knock-on effect – changing Academic Requirements cannot be an action taken in isolation or without full consideration of these effects. For all these reasons, APLEC is of the view that all relevant stakeholders need to be consulted on these matters as part of a comprehensive legal education review.

### 5.2. HOW ACADEMIC REQUIREMENTS ARE EXPRESSED

LACC has noted that its preliminary view is that the Academic Requirements should continue to be expressed in a way that encapsulates the minimum substantive content of the prescribed areas, but that this current format promotes (1) an artificial view of the law as discrete subjects, neglecting its dynamic, connected and contextual nature; (2) a preoccupation with detailed content of bodies of substantive law rather than competencies and what a lawyer needs to be able to do; and (3) neglecting higher order professional skills such as analysis, persuasive communication, problem-solving and intellectual curiosity.\(^\text{53}\)

APLEC notes that there are implications that flow from adopting particular modes of description, including, but not limited to, how and by whom a subject needs to be taught. As discussed in paragraph 3.2.1 above, TLOs are not competencies and competencies are not TLOs.

### 5.3. LAYERS OF REGULATION

APLEC acknowledges LACC’s expressed outcomes in undertaking the Limited Review namely to achieve uniformity of achievement across all teaching institutions, demonstrated comparable minimum knowledge and skills upon graduation, consistency of standards in levels of attainment, comparability of equivalent qualifications and the rigour of underlying student assessment. The proposition is to devise and add statements to the Academic Requirements, which are regulatory in intent and address the consistency of standards concerns. However, further to our responses in Attachment A below, APLEC is of the view that law courses are already subject to the Competency Standards, PLT course accreditation as well as AQF and TEQSA regulations. Whilst regulation of the Academic Requirements may not affect the majority of APLEC members, they would impact our members who run integrated courses (Newcastle and Flinders, UTS in the

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\(^{53}\) LACC, supra note 49, 19.
LLB) where PLT is part of their 4-year degree and, should subjects be removed from the Academic Requirements, will impact all PLT providers.

While APLEC acknowledges the importance of common threshold levels of achievement across teaching institutions, the Limited Review proposal to add statements to the Academic Requirements raises the larger questions including:

- What is the appropriate level of regulatory intervention into curriculum design?
- What will be the cost (initial and ongoing) of over regulation to law schools, PLT providers and students?
- How will best practices be identified and implemented – practices that recognise, acknowledge and make best use of specialist resources where they are found?

LACC’s reluctance to impinge on or narrow the focus of academic programs is noted, but the extent to which admitting bodies vs. educational regulatory bodies vs. course providers should advise on, control and implement aspects of legal education, is, in our view, a discussion that is best had collaboratively between all the relevant stakeholders. Therefore, APLEC recommends a comprehensive review that brings all stakeholders together to facilitate these discussions.

6. CONCLUSION

The consistent theme in our submission has been one of broader, deeper and more inclusive and extensive data collection, collation, analysis and consultation. While we have been critical of the Limited Review, we are fully supportive of LACC’s intention to undertake a review of legal education and training. Where we differ is that APLEC believes a comprehensive and not a limited review is warranted and it welcomes the opportunity to collaborate and partner with LACC to that end.

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54 LACC, supra note 25, 8.
ATTACHMENT A

APLEC Responses to Question 6 in LACC LIMITED REVIEW
APLEC RESPONSES TO QUESTIONS IN THE LIMITED REVIEW – QUESTION 6

6.1. Should any or all of the following areas of knowledge be omitted from the Academic requirements? Civil Procedure, Company Law, Evidence, Ethics and Professional Responsibility?

APLEC agree that it is timely to revisit the Academic Requirements for admission. However, as is argued broadly throughout our submission, this cannot be decided in isolation and will be best decided after a comprehensive, evidence-based review of legal education in Australia which includes input from all the relevant stakeholders. For further detailed discussion on this point, please see paragraphs 3, 4 and 5 above.

6.2. If so, why?

Not applicable.

6.3. Should Statutory Interpretation be included as an Academic Requirement?

APLEC is of the view that there are a number of different ways to incorporate a foundational and necessary skillset and body of knowledge into the undergraduate or Doctor of Jurisprudence (JD) curriculum requirements. With reference to our response in paragraph 3.2.3, the inclusion or deletion of subjects should be considered after a comprehensive review in a specifically Australian context that considers the bigger question of what to teach in a modern legal education curriculum, how to teach it and by whom it should be taught.

6.4. Is any other area of knowledge, not presently included in the Academic Requirements, now of such basic potential importance to the great majority of practitioners today, that no law graduate should be permitted to practise without it?

APLEC is of the view that identification of additional or different Academic Requirements needs input from all relevant stakeholders via a comprehensive review of legal education. However, consistent with our response in paragraph 3, the legal marketplace has changed and it is likely that new Academic Requirements will be identified, these may not be limited to traditional law courses, and may not be taught the same way as the current Academic Requirements.

6.5. If so, should any such area be added to the Academic requirements?

Not applicable.

6.6. Should the drafting technique used in the Academic requirements be amended in any way?

Please refer to the response to question 6.7 below.

6.7. If so, how?

As discussed in paragraph 3.2.1 the drafting technique used in the Academic Requirements will depend on the outcomes to be achieved namely knowledge application or knowledge acquisition.

6.8. In light of the development of the TLOs, should the Academic requirements be altered or supplemented also to take account of intellectual skills and personal attributes necessary to process and deploy the areas of knowledge prescribed by the Academic requirements in legal practice?

Please refer to the response to question 6.7 above.
6.9. How might the Academic requirements be altered or supplemented to resolve some or all of the problems of consistency of standards referred to above; and in particular

TEQSA registers and evaluates the performance of higher education providers against the Higher Education Standards Framework, specifically, the Threshold Standards. All undergraduate law, Juris Doctor and Practical Legal Training courses are subject to these Standards. Section 5 of Chapter 3 of those Standards states that:

the academic standards intended to be achieved by students and the standards actually achieved by students in the course of study are benchmarked against similar accredited courses of study offered by other higher education providers.

As outlined in further discussion on this point in paragraph 5.3, APLEC recommends against any additional regulatory bodies and encourages increased collaboration and harmonization of existing regulation and regulatory bodies to ease the increasing administrative and resource burden on legal education providers in responding to ongoing, similar and numerous requests for information.

6.10. How might the Academic requirements be altered or supplemented to ensure that appropriate and consistent assessment regimes exist to certify that each successful student has demonstrated the common required knowledge and skills in each Academic Requirement to a common minimum standard?

TEQSA requires that assessment tasks provide opportunities for students to demonstrate achievement of the expected student learning outcomes (s.5.1 in Chapter 3). Section 5.3 also provides that course management and coordination, including moderation procedures, ensure consistent and appropriate assessment. Again, as outlined above in our response to Question 6.9, all undergraduate law, Juris Doctor and Practical Legal Training courses are subject to these Standards. APLEC recommends against any additional regulatory bodies and encourages increased collaboration and harmonization of existing regulation and regulatory bodies.