



# **ANU Legal Workshop**

## **Legal Practice Experience Rules**

**2009**

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## 1. LEGAL PRACTICE EXPERIENCE

### 1.1 What is Legal Practice Experience?

Legal Practice Experience (LPE) is a compulsory component of your Graduate Diploma of Legal Practice (GDLP). You must enrol in LPE 12, 9, 6 or 3 unit on ISIS. The number of units corresponds with the length of placement you choose, ie, 80, 60, 40 or 20 days. You receive a CRS – Course Requirements Satisfied – when you have successfully completed all the LPE requirements. These are:

1. Completion of your placement days in an **approved** workplace.
2. Completion of reporting requirements with respect to your placement. This will usually involve completing the pro forma Placement Report, unless you are asked to report in a different manner by your Legal Workshop placement supervisor, and
3. Completion of the online discussion component LPE Online.

The GDLP consists of 48 units. The number of placement days you choose determines the amount of elective coursework you are required to do. That is:

<i>Placement length</i>	LPE	Coursework		Total (units)
		Compulsory	Electives	
80 days	12 units	30 units	2 x 3 units	48
60 days	9 units	30 units	3 x 3 units	48
40 days	6 units	30 units	4 x 3 units	48
20 days	3 units	30 units	5 x 3 units	48

### 1.2 Timing and Enrolment

You must complete your GDLP within 3 years of commencement.

*Commencement* means the date you start your approved legal practice experience or coursework, whichever is earlier.

You can undertake your coursework and legal practice experience at the same time or at different times.

If you complete your *legal practice experience first* – you must start your coursework within 2 years of completing your legal practice experience.

If you complete your *coursework first* - you must start your legal practice experience within 2 years of completing your coursework.

i.e.

LPE completed < 2 years max > start coursework  
| \_\_\_\_\_ 3yrs max. start to finish \_\_\_\_\_ |

or

Complete coursework < 2 years max > start LPE  
| \_\_\_\_\_ 3yrs max. start to finish \_\_\_\_\_ |

or

Coursework and LPE same time or any sequence  
| \_\_\_\_\_ 3yrs max. start to finish \_\_\_\_\_ |

After choosing the length of your placement, ie 80 days (12 unit), 60 days (9 unit), 40 days (6 unit) or 20 days (3 unit) you must enrol in the relevant session, ie, Summer, Autumn, Spring or Winter. You should enrol in the session in which you will start your placement. You do not have to complete your placement in this session.

### *Changing the length of your placement*

You can change the length of your placement within a semester, ie, in Summer and Autumn (Semester 1) or Winter and Spring (Semester 2). You do this by changing your enrolment on ISIS and letting the LPE Administrator know that you have changed your placement length. Changing placement length is more difficult where it crosses semesters, eg you are enrolled in 40 day placement in Autumn session and in Winter session you want to increase this to 80 days. Similarly, if it crosses years, eg you are enrolled in 80 day placement in Spring session 2008 and in Summer session 2009 you want to reduce this to 20 days. You should contact the LPE Administrator if you want to change placement

length in these circumstances. The LPE Administrator will help you liaise with University administration as their consent to change your enrolment is required.

## 2. PLACEMENT

### 2.1 Applying for approval

Placement approved by the ANU Legal Workshop counts towards your GDLP. You can apply for approval of placement once you are enrolled in the GDLP.

Placements are likely to be approved if:

- You would be undertaking legal work, using legal skills, in a legal environment, and
- You would be supervised by a lawyer of no less than 3 years post admission experience.

### 2.2. Retrospective approval

The purpose of placement is to enable you to develop and practice legal skills in a legal workplace. Your Legal Workshop placement supervisor can assist you to set appropriate goals for skills development in your placement and to achieve these goals through the placement. It is of greater benefit to your learning that some of your placement takes place whilst you are doing the GDLP, and with the assistance of your LW Placement supervisor.

Placements can be approved retrospectively. Placements **must** have been undertaken in the 2 years preceding the application for retrospective approval to be considered. You will usually be given retrospective credit for up to 50% of the total placement period.

Retrospective credit for more than 50% of the placement period is only likely to be granted where you are not able to undertake placement during the GDLP. Your reasons for being unable to undertake placement will be considered in making a decision about any retrospective credit.

### *Concurrent enrolment*

Students still completing their LLB or JD may apply to concurrently enrol in the GDLP, with the permission of their law school.

Most law schools allow concurrent enrolment in the GDLP for the student to undertake placement which will count as LPE.

There is further information on the Legal Workshop website for ANU students seeking concurrent enrolment.

## **2.3. Approval process**

All forms are on the Legal Workshop website under "Current Students, Legal Practice Experience." You will see an "LPE Kit" containing all forms and information and a list of the documents contained in the Kit.

To seek approval for placement, either prospectively, retrospectively or a combination of both, you must complete:

- Placement Approval Application and
- GDLP enrolment application (go to "PLT Forms")

Once you have enrolled and your placement has been approved you will be emailed an approval letter confirming all the details of your placement. We will also email your Workplace Supervisor to confirm our approval of the placement.

## **2.4 Length, intensity and duration**

### *Length*

Subject to these rules a placement must total 80, 60, 40 or 20 working days. Weekend or public holiday work will not be approved unless you can provide evidence of appropriate supervision during this time.

### *Intensity*

You may do your placement part time provided your part time placement is at least 1 day per week.

We recognise that student work in the ANU Clinical Youth Law Program meets this requirement through aggregation of the weekly placement and workshop components.

*Duration*

You may do your placement at different sites, but the period at each site must not be less than 5 working days.

*Example*

<i>Placement worked:</i>	<i>Counts as:</i>
<ul style="list-style-type: none"> <li>• 2 days / week for 16 weeks</li> </ul>	<ul style="list-style-type: none"> <li>• 32 days</li> </ul>
<ul style="list-style-type: none"> <li>• Monday - Friday for two weeks at one placement site</li> </ul>	<ul style="list-style-type: none"> <li>• 10 days</li> </ul>
<ul style="list-style-type: none"> <li>• 1 full day a week for 5 weeks at one placement site</li> </ul>	<ul style="list-style-type: none"> <li>• 5 days</li> </ul>
<ul style="list-style-type: none"> <li>• Half day each week for 9 weeks</li> </ul>	<ul style="list-style-type: none"> <li>• Nil. Not intense enough</li> </ul>
<ul style="list-style-type: none"> <li>• Half a day twice each week for 9 weeks</li> </ul>	<ul style="list-style-type: none"> <li>• 4 days. No rounding up.</li> </ul>
<ul style="list-style-type: none"> <li>• 1 day / week for 6 weeks. 3 days at one site &amp; 3 at another</li> </ul>	<ul style="list-style-type: none"> <li>• Nil. Min. 5 days per site</li> </ul>

## 2.5 Placement sites

Subject to these rules you may do a placement with:

- a legal practitioner in private practice
- a government, semi-government or corporate legal office
- a community legal service
- a legal aid service
- a state or Commonwealth Prosecuting authority
- a judge or magistrate
- a Tribunal member (who is a legal practitioner)
- the Legal Workshop's Legal Aid Clinic Program or
- any other place which the LPE Convenor is satisfied provides appropriate practical experience.

## 2.6 Work to be experienced

The placement must involve you in legal work, exercising legal skills in a legal environment (in contrast to administrative, financial or research/academic work).

Ideally you will:

- Be exposed to the systems, procedures and work commonly found in legal practice, which applies equally to government legal practice,
- Have contact with, and responsibility to, clients – which includes government and corporate clients, and
- Be exposed to the professional responsibilities of a lawyer.

If the LPE Convenor determines that the proposed placement contains a mix of work, for example, includes some administrative or research tasks, the placement may still be approved as long as the dominant tasks are of a legal nature. Only that part of the placement that relates to legal work will be counted towards LPE requirements so that the placement gives the equivalent of 80, 60, 40 or 20 days experience in the performance of legal work.

In these circumstances you may be asked to keep a daily log of work undertaken, for the entire placement or for a specified period, eg, 1 typical week, so we can determine what percentage of the placement can be counted.

*Example*

You work as a paralegal for a firm. You keep a daily log for 1 normal week of your duties. Based on that log 25% of your work is administrative and not legal work. You will have to add 25% more on to your 80 day placement (another 20 days). This means that your placement period will take place over a 100 day period.

*Examples of activities:*

- File management
- Experience of basic management, financial and accounting systems
- Interaction with professional and support staff
- Interaction with other legal service providers such as barristers, experts and practitioners
- Legal research and analysis
- Preparing draft documents
- Preparing draft letters and advices
- Taking instructions; and
- Communicating with clients.

*Examples of skills to be developed:*

- **Communication skills.** Both oral and written, and to different audiences, eg, clients, colleagues, other lawyers.
- **Legal drafting and writing skills.** Includes drafting documents, using precedents, drafting letters and advices, practising the use of plain English, and getting the balance right between succinctness and covering the necessary issues.
- **Advocacy skills.** This is the skill of being persuasive, which doesn't only take place in the courtroom or have to be done orally.
- **Negotiation skills.** Strategy, approach, techniques.
- **Problem solving skills.** Analysis of issues, possible solutions, range of methods.
- **Legal Research and analysis.** Developing and refining your techniques including efficiency, processes to manage multiple issues, ability to articulate your research findings and analysis.
- **Professional skills.** Understanding the professional and ethical requirements of being a lawyer.
- **Interpersonal skills.** Working as part of a team with both lawyers and others, managing clients, managing expectations, seeking feedback.
- **Work management skills.** Prioritising, keeping track of deadlines, assessing and reviewing your workload, accountability – filenotes and billing records.
- **Reflective practice skills.** Learn from what you do well, and what you don't!

## 2.7 Clinical programs, legal clerkship & internship

*Clinical experience*

The Legal Practice Experience Rules apply to on-site legal practice experience that is part of a clinical legal education program.

When applying for approval, unless the clinical program is or was provided by the ANU College of Law, you must provide a copy of the course description and a letter from the institution addressing:

- the period and intensity of the on-site legal practice experience;
- name and qualifications of your primary on-site supervisor; and
- work experienced

Subject to providing evidence of satisfactory completion, placement credit will be given as follows for ANU programs:

Community Law Clinical Program: 20 days credit

Clinical Youth Law Program: 10 days credit.

### *Summer clerkship or internship*

The Legal Practice Experience Rules apply to legal practice experience that is part of a legal clerkship (e.g. a summer clerkship) or a legal internship.

If undertaken as part of a program, the clinical program requirements (above) apply.

If not undertaken as part of a program, you must provide material to substantiate eligibility under these Rules.

## **2.8 Overseas Placements**

Overseas placements may be approved by the LPE Convenor if the placement meets the placement requirements in these rules and:

- The placement would occur in a common law country, or
- The student would be working on common law matters.

The overriding consideration is that the work is comparable to the delivery of legal services in Australia, involves the exercise of legal skills and is appropriately supervised.

For example, we would normally approve a placement where the student is employed by a London based firm, in their office in Hungary, working on a project involving the law of Norway, UK and/or the USA.

If you are considering an overseas placement, the Law Admissions Consultative Committee has developed the following proposed rules which may become binding requirements in the future:

- Placement must occur in a common law jurisdiction
- Supervisor must have a minimum of 5 years experience and hold a practising certificate
- The placement must involve the delivery of comparable legal services as would be the case within Australia
- There is no retrospective approval
- There is no approval for placement in overseas Community Legal Centres

## 2.9 Workplace supervisor

Your placement must be supervised by a supervisor who satisfies at least one of the following:

- Hold an unrestricted practising certificate as a legal practitioner
- Hold, and have held, a restricted practising certificate as a legal practitioner for at least 3 years
- Be a lawyer of at least 3 years post admission experience who is employed by the Commonwealth, State or Territory Government to provide legal services
- Be a lawyer of at least 3 years post admission experience who is employed in a corporate capacity or as in-house counsel
- Be a practising barrister of at least 3 years experience
- Be a judge or magistrate
- Be a tribunal member who is a legal practitioner

The supervisor must not have been the subject of an adverse finding by a licensing authority or disciplinary body for lawyers. However, if the proposed supervisor has been the subject of such a finding, and makes full disclosure to us about that finding, the LPE Convenor may dispense with this requirement.

The supervisor must give adequate supervision to the student. Normally, the supervisor must not concurrently supervise more than 3 other students

undertaking placement for the GDLP or an equivalent practical legal training course.

If the approved supervisor is unable to complete supervision of the placement, the new supervisor must comply with the requirements of this rule. You must notify the LPE Administrator immediately of a change of supervisor.

## 2.10 Finding placements

We are usually able to assist you with finding placements in the ACT. We keep in close contact with the legal community in the ACT and often have a list of firms, government departments and other legal workplaces who wish to take a student on placement. You should also check our virtual jobs board, accessible from the LW homepage, for employment opportunities that can also be counted towards placement.

In other jurisdictions we will also try to assist you to obtain placements. Students and supervisors are encouraged to let the LPE Administrator know of any placement opportunities in their workplaces.

If you need assistance finding a placement, or know of a placement opportunity, please contact the LPE Administrator on [lpe@law.anu.edu.au](mailto:lpe@law.anu.edu.au).

## 3. REPORTING TO LEGAL WORKSHOP ABOUT YOUR PLACEMENT

### 3.1 Legal Workshop Placement Supervisor

When your placement is approved you will be allocated a Legal Workshop (LW) staff member who will be your Legal Workshop placement supervisor. You will be advised who your LW placement supervisor is in the email approving your placement, which will be copied to your LW supervisor.

Your LW placement supervisor will make contact with you within the first 2 weeks of your placement approval, either by email or telephone. If this does not occur please let us know by emailing [lpe@law.anu.edu.au](mailto:lpe@law.anu.edu.au).

Your LW placement supervisor's role is to assist you to develop your legal skills. This may focus on the placement you are currently undertaking, on placement

you have completed retrospectively, on pro bono work that you have done or will do in the future, on the skills you are learning or have learnt in the GDLP, or a combination of all of these.

Your LW placement supervisor will have read your Placement Approval Application where you set out information about your placement.

Your LW placement supervisor may communicate with you by email, by telephone or a combination of both. He or she will ask you to provide updates on your placement, may ask you to focus on the development of particular skills and may ask you to report on your placement at regular intervals.

Your LW placement supervisor may also wish to communicate with your workplace supervisor, either by phone or email.

### **3.2 Reporting on your placement**

#### *During your placement*

Your LW Placement supervisor will contact you within the first 2 weeks of your placement approval. Depending on the length of time before you finish your placement, your LW supervisor may ask you for a “mid-point” report or even several reports at identified intervals during your placement. These may be by email or through a telephone discussion between you and your LW Placement supervisor. You are able to contact your LW Placement supervisor at any time during the placement.

#### *At the end of your placement*

Unless your LW Placement supervisor asks you to give your final report on your placement in a different manner, you will report at the end of your placement by completing the pro forma Placement Report (see the LPE Kit or PLT Forms on our website to obtain this pro forma). This needs to be signed by your workplace supervisor, or alternatively your workplace supervisor needs to email us confirming that you have successfully completed your placement.

All students are required to have their workplace supervisor confirm satisfactory completion of the placement, either by email or signing off on the Placement Report.

### 3.3 The role of your Workplace supervisor

When your placement is approved we send an email to your workplace supervisor thanking them for their participation and attaching a copy of your approval letter and "Placement Information for Supervisors". This Information is largely the same as in the "Placement Information for Students", and covers the skills areas we hope you will experience and the ways in which your workplace supervisor can assist your development.

During the course of your placement, your LW Placement supervisor may wish to speak with your workplace supervisor. If this is the case your LW supervisor will usually try to arrange a time convenient to your workplace supervisor for a 3 way phone call to take place, in which you are included. This would usually not be longer than 15 minutes. Alternatively, your LW Placement supervisor may communicate with your workplace supervisor by email, and copy you into those emails.

Your workplace supervisor needs to sign your Placement Report at the end of your placement, or alternatively send us an email confirming you have successfully completed your placement.

Your workplace supervisor is able to contact us if they have any questions about the placement or their role.

## 4. LPE ONLINE

This is a compulsory part of your LPE requirements. This is the coursework component of your LPE, and runs during each of the 4 GDLP sessions, ie, Summer, Autumn, Winter and Spring. You do *not* enrol in this course. Instead, when you enrol in LPE 12,9,6 or 3 unit, we automatically place you in LPE Online corresponding to the LPE session your are enrolled in, eg, if you enrol in LPE 12 unit in Summer, you will be placed in LPE Online Summer.

You need to be undertaking or have completed some or all of your placement in order to participate in LPE Online because this course requires you to draw on your experience in a legal workplace to contribute to discussions about legal practice issues.

Sometimes your enrolment in a particular session, eg, LPE 9 unit summer session, does not correspond well with you undertaking LPE Online in that session, eg, you may only be just starting your placement at the end of summer session. If this is the case just let us know, it is easy for us to remove you from

one session of LPE Online and put you in the next appropriate session. Census dates do not apply to LPE Online as you do not enrol in this course.

There are no printed materials for LPE Online, you will find all the Resources and information about the course on the course website.

## **5. PRO BONO AND LEGAL AID WORK**

Most practicing and non-practicing lawyers undertake legal work pro bono. Pro bono means for no fee or reward.

Pro bono work enables you to make a contribution to your community, and at the same time assists your skills development and exposure to the diversity of legal issues and need. The Legal Workshop endorses the National Pro Bono Resource Centre's statement about the benefits of students undertaking pro bono work. That is that student pro bono work enables you to:

Use your skills to help disadvantaged and marginalised people gain access to justice

- Connect with your local community
- Quickly learn practical skills that cannot be learned from classes and texts
- Improve your ability to communicate with clients and dissect complex legal issues, as well as answer difficult questions of law
- Develop leadership skills and engage with the law from a new perspective
- Fit community service and experiential learning around your studies
- Enhance your CV through practical and meaningful legal experience
- Network with solicitors and other law students
- Make a difference!

You can read more about the National Pro Bono resource Centre online at:  
<http://www.nationalprobono.org.au>

All students are encouraged to engage in pro bono work either as part of placement or independently of placement.

Additionally, students in the ACT are strongly encouraged to participate in Legal Workshop's Legal Aid Clinical Program (see below) which will also help familiarise you with the roles of legal aid services in Australia.

All students are encouraged to explore opportunities to volunteer at a Community Legal Centre, Legal Aid, Indigenous Legal Aid or in pro bono schemes run by their local Law Societies. You can also use and develop your skills by volunteering to be on the Board of a non-profit organisation and in many other ways.

You will be asked about your involvement in pro bono work in your Placement Application form and in your final Placement Report.

The Legal Workshop facilitates student involvement in pro bono work by obtaining and disseminating information about pro bono opportunities around Australia through the LPE Online website. If you would like to undertake pro bono work but are not sure where to go please contact the LPE administrator for assistance.

If you know of pro bono opportunities in your area, please let the LPE Administrator know.

## **6. PLACEMENT IN A REGIONAL, RURAL OR REMOTE COMMUNITY LEGAL CENTRE PROJECT**

The National Association of Community Legal Centres has a project underway to address the shortage of lawyers in rural, regional and remote areas by facilitating student placement in these Centres. If you are interested in taking up a CLC placement in a rural, regional or remote area please let the LPE Administrator know.

## **7. LEGAL AID CLINICAL PROGRAM (ACT ONLY)**

The Legal Workshop provides this program in Canberra in partnership with ACT Legal Aid each Monday (or Tuesday if Monday is a public holiday) from January to November during GDLP course work periods.

Legal Workshop lecturers work with students in the program to provide the legal advice and short assistance service at Legal Aid's Civic Office. This involves giving legal advice to clients and short assistance consisting of follow up telephone calls, letters or assisting the client to draft documents. This program

enables us to make a significant contribution to the ACT community, assisting up to 400 clients per year. All ACT based GDLP students are encouraged to undertake the LAC program.

Each student spends at least 1 day doing supervised client interviews. Students undertaking more than the 1 day LAC Program are able to choose from a number of "rotations" where they are assigned to Legal Aid Lawyers in Criminal Law, Children's Criminal Law, Family Law, Child Protection, Civil Law and Domestic Violence.

There is a de-briefing meeting at the end of each day where students report back on their observations and experiences. All students attend an introductory 2 hour workshop before commencing the on-site program. Participation in the LAC program counts towards LPE placement credit as follows:

LAC Program options	GDLP LPE credit
<ul style="list-style-type: none"> <li>1 day supervised client interviewing</li> </ul>	<ul style="list-style-type: none"> <li>2 days LPE</li> </ul>
<ul style="list-style-type: none"> <li>4 day supervised placement including supervised client interviewing rotation</li> </ul>	<ul style="list-style-type: none"> <li>5 days LPE</li> </ul>
<ul style="list-style-type: none"> <li>8 day supervised placement including supervised client interviewing rotation</li> </ul>	<ul style="list-style-type: none"> <li>10 days LPE</li> </ul>

For further information you can read the LAC Program Booklet on the Legal Workshop website. If you are interested in participating in the LAC program please email [lpe@law.anu.edu.au](mailto:lpe@law.anu.edu.au).

## 8. LPE CONTACTS

**LPE Convenor:** this is the Legal Workshop lecturer who is responsible for approving placements, appointing and liaising with LW Placement supervisors, liaising with the profession, running the LPE Online course and ensuring that students have met all their LPE requirements.

**Margie Rowe** is the LPE Convenor. E: [rowem@law.anu.edu.au](mailto:rowem@law.anu.edu.au), P: 02/61254424

**LPE Administrator:** is the Legal Workshop staff member assisting the LPE Convenor. **Rose Coppin** is the LPE Administrator. E: [lpe@law.anu.edu.au](mailto:lpe@law.anu.edu.au)  
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