



ANU Legal Workshop

Legal Practice Experience Rules

**Applicable from
September 2009**

2010

Table of Contents

- 1. LEGAL PRACTICE EXPERIENCE..... 3**
- 1.1 What is Legal Practice Experience? 3
- 1.2 Timing and Enrolment..... 4
- 1.3 Changing the length of your placement 4

- 2. PLACEMENT 5**
- 2.1 Applying for approval..... 5
- 2.2. Retrospective approval..... 5
- 2.3. Approval process 6
- 2.4 Length, intensity and duration 7
- 2.5 Placement sites..... 7
- 2.6 Work to be experienced..... 8
- 2.7 Clinical programs, legal clerkship & internship 10
- 2.8 Overseas Placements 11
- 2.9 Workplace supervisor 11
- 2.10 Finding placements..... 12

- 3. REPORTING TO LEGAL WORKSHOP ABOUT YOUR PLACEMENT .. 13**
- 3.1 Your Legal Workshop Mentor 13
- 3.2 Reporting on your placement..... 13
- 3.3 The role of your Workplace supervisor..... 14

- 4. PRO BONO AND LEGAL AID WORK 15**

- 5. PLACEMENT IN A REGIONAL, RURAL OR REMOTE COMMUNITY
LEGAL CENTRE PROGRAM 16**

- 6. LEGAL AID CLINICAL PROGRAM(LAC) (ACT ONLY) 17**

- 8. LPE CONTACTS 17**

1. LEGAL PRACTICE EXPERIENCE

1.1 What is Legal Practice Experience?

Legal Practice Experience (LPE) is a compulsory component of the Professional Practice Core (PPC). It consists of:

- your placement in an approved legal workplace,
- your reporting on the placement and
- participation in tutorials conducted by your Practice Mentor where you will discuss legal practice issues.

You do not enrol separately in LPE. Your enrolment in the PPC is based on the minimum placement period of 20 days. You can also undertake a 40, 60 or 80 day placement. When you lodge your application for placement approval you will specify the number of placement days you intend to do. You can change the number of days by notifying us. The more placement days you do, the less electives you need to take in order to complete the 36 units required to obtain the Graduate Diploma in Legal Practice (GDLP). The table below illustrates this.

<i>Placement length</i>	LPE	Coursework		Total (units)
		Compulsory	Electives	
80 days	27 units	Becoming a Practitioner (3 units) and PPC	2 x 3 units	36
60 days	24 units	Becoming a Practitioner (3 units) and PPC	3 x 3 units	36
40 days	21 units	Becoming a Practitioner (3 units) and PPC	4 x 3 units	36
20 days	18 units	Becoming a Practitioner (3 units) and PPC	5 x 3 units	36

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, which ever 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 _____ |

1.3 Changing the length of your placement

Enrolment in the PPC automatically enrolls you in LPE 20 days. On your Application for Placement Approval form you will be asked to indicate the total number of placement days you intend to undertake. During the course of the GDLP you may wish to decrease or increase the number of placement days. To do so simply send an email to lpe@law.anu.edu.au advising us. It is your

responsibility to ensure that you enrol in and complete the correct number of electives, as set out in the table on page 3.

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.

To apply for placement approval please complete an Application for Placement Approval form at : http://law.anu.edu.au/LegalWorkshop/LPE_Kit.aspx

Submit the form to lpe@law.anu.edu.au

If you are not sure whether a placement will meet our requirements please email us with details of the work you will be undertaking, where that will occur and information about your supervisor. We can then give you an indication of whether approval will be given or not.

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 Practice Mentor 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.

Placements can however 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.

Example: Last year you worked as a Judge's Associate. You are now working in a non legal area of a government department on a full time basis and have just started the GDLP. You cannot afford to take unpaid time off work to undertake placement and you cannot arrange a secondment into a legal area. You would receive retrospective approval for the maximum placement period of 80 days.

For us to consider an application for fully retrospective approval you must submit both the Application for Placement Approval **and** the Final Placement Report. See:

http://law.anu.edu.au/LegalWorkshop/LPE_Kit.aspx

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. See:

http://law.anu.edu.au/LegalWorkshop/Concurrent_Enrolment.aspx

2.3. Approval process

All information and forms is available on the Legal Workshop website at:

http://law.anu.edu.au/LegalWorkshop/Legal_Practice_Experience.aspx

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

- Application for Placement Approval and

- Enrol in the GDLP

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

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.

We also provide placements through our Rural, Regional and Remote Community Legal Centre program. See:

http://law.anu.edu.au/LegalWorkshop/LPE_RRR.aspx

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

3. REPORTING TO LEGAL WORKSHOP ABOUT YOUR PLACEMENT

3.1 Your Legal Workshop Mentor

All students will be allocated a Practice Mentor on commencing the PPC. Where possible, your Practice Mentor will supervise your LPE whilst assisting you to complete the PPC. If you are undertaking placement prior to the PPC a Legal Workshop staff member will be appointed as your placement mentor. If this is the case, you will be advised by email the name and contact details of your mentor.

Your Practice Mentor or Placement Mentor'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 Practice Mentor or Placement Mentor may communicate with you by web conference with your firm, by email, by telephone or a combination of these.

In some circumstances, your Practice Mentor or Placement Mentor may also wish to communicate with your workplace supervisor, either by phone or email.

3.2 Reporting on your placement

During your placement

If you are undertaking your placement at the same time as you are doing the PPC, you will discuss aspects of legal practice, and your experiences of legal

practice in many of the tutorials that are conducted by web conference with your Practice Mentor.

At the end of your placement

Unless your Practice Mentor or Placement Mentor 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:

http://law.anu.edu.au/LegalWorkshop/LPE_Kit.aspx

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.

In some circumstances, your Practice Mentor or Placement Mentor may wish to communicate with your workplace supervisor. This will be done by email in the first instance and you will be copied in.

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. See Contacts at the end of these Rules.

4. 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.

If you would like to undertake pro bono work but are not sure where to go please contact the LPE administrator for assistance:

lpe@law.anu.edu.au

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

5. PLACEMENT IN A REGIONAL, RURAL OR REMOTE COMMUNITY LEGAL CENTRE PROGRAM

The ANU Legal Workshop is participating in efforts to address the dramatic need for lawyers in regional, rural and remote (RRR) Australia. The Legal Workshop is contributing by:

- facilitating and promoting law graduate legal practice experience placements in RRR Australia.
- increasing awareness of law graduates about the pressing need for lawyers in regional, rural and remote (RRR) Australia, and

About 20% of students undertaking the ANU Legal Workshop GDLP are based in a regional, rural or remote area. During the GDLP students are approaching the point where they will qualify for admission to legal practice and most GDLP students are able to make a significant contribution in the workplace during placement. In some cases the placement results in an offer of employment.

We have RRR Community Legal Centres from all around Australia willing to take students on placement. In some circumstances, Legal Workshop will provide financial assistance to meet the costs of accommodation and travel associated with the placement. Please see our website for further information at:

http://law.anu.edu.au/LegalWorkshop/LPE_RRR.aspx

6. LEGAL AID CLINICAL PROGRAM(LAC) (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 also 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.

LAC requires students to attend for 8 consecutive Mondays (with some limited flexibility) and counts for 10 days LPE credit.

For further information you can read the LAC Program Booklet at:

http://law.anu.edu.au/LegalWorkshop/Documents/LAC_Program_Booklet.pdf

If you are interested in participating in the LAC program please email 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, 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
P: 02/6125 9234.