

# GRADUATE DIPLOMA IN LEGAL PRACTICE

## LLB 843 - PROFESSIONAL PRACTICE

### Module 10 – Professional Experience

#### Aim of Subject

This subject provides the Professional Experience component of the Graduate Diploma in Legal Practice (GDLP). The overall aim of the Professional Experience component of the GDLP is to build upon the knowledge, skills and attitudes acquired in both the academic and training stages of preparation for admission to practice.

The Professional Experience program is not merely "work experience". Research in other professions has shown that the workplace is one of the most important locations for learning and relating theory to practice.

The inclusion of Professional Experience in the course enables you to more readily relate the 'theory' of legal practice with its practical application.

#### Learning Objectives

Professional Experience is an important part of your pre-admission learning experience. Through practical experience, reflection on that experience, and the application of knowledge obtained in both your undergraduate law course and the GDLP, you will learn how to:

- participate in the law in action;
- respond to the pressure of meeting client needs;
- develop a client-centred approach to legal practice;
- develop the elements of professional responsibility;
- observe and apply office and case management skills;
- apply and develop your problem-solving skills;
- apply and develop your oral and written communication skills;
- develop your understanding of and interact with the work of other professionals and agencies, including court and tribunal administrators, other legal practitioners, police, social workers, community advisory and support centres, government departments and agencies, interpreters and translators; and
- develop skills of teamwork.

#### Professional Experience (PE) Requirements

##### *Acquiring your GDLP professional experience*

The full Professional Experience (PE) component of the GDLP is 80 working days, undertaken under supervision in a law-practice based environment. Pre-GDLP PE of up to 40 days may be acquired in the following ways:

- as a UOW student:
  - the (normally 20 day's) placement period undertaken in LLB 311 or LLB 190 *Lawyers and Australian Society*; and
  - a further 20 day's supervised PE that meets the Pre-GDLP Guidelines (attached);

- as a non-UOW student, up to 40 days' supervised professional experience that meets the Pre-GDLP Guidelines.

The remaining period of 60(or 40) days PE may commence from 1 January (Autumn course) or 1 June (Spring course) according to the session in which you are enrolled in the GDLP. All days worked after that date may be counted towards the PE component. All PE must be completed within 6 months of the final day of the course in which you complete the coursework. The experience may be obtained in existing employment or a voluntary placement which meets the criteria for a "law-practice based environment".

Because of the intensity of the GDLP course, it is recommended that you should not work more than 3 days per week between the opening (intensive) session and the final weekend of the course work period, if you are a full-time student in the GDLP course. If you choose to work more days than 3, be aware that the 'pressure of work' is not an acceptable reason for late submission of assignments.

If you are already in law-related practice-based employment, you can retain your employment, subject to compliance with the professional experience guidelines of the course, and your capacity to satisfactorily complete all course work. You may obtain the required experience in a voluntary placement. Part-time students may negotiate alternatives.

The requirements of this subject are not completed until all components of placement have been completed, and the assessment requirements have been met.

### ***'Practice-based' legal environment***

The environment in which all sectors of the professional experience component are undertaken complete your placement must be 'practice-based', enabling you to apply your legal knowledge and gain hands-on experience of legal work. This may include:

- experience of the types of routines and procedures which are commonly found in offices in which legal services (broadly defined) are provided;
- experience of the dynamics which are commonly found in the provision of legal services;
- contact with and responsibility to the clients of the office or organisation in which professional experience is undertaken; and
- experience in the process of becoming a professional.

Within that context, professional experience can be undertaken in a wide range of locations. For example:

- in a firm of solicitors (large or small, city or suburban or rural; specialist practices);
- in the legal department of a corporation;
- in the legal department of a government department or statutory authority;
- in a community legal centre, or clinic
- with an employer or employee association;
- with a judicial member of a Court or Tribunal;
- with a barrister;
- with police prosecutors;
- in the Registry of a Court or Tribunal.

Law-related environments such as law teaching, legal publishing, policy development or research and IT support do not qualify for professional experience as they are not practice-based.

The placement might include tasks such as:

- handling and reading files, including documents associated with them;
- sitting in on interviews with clients;
- sitting in on conferences with Counsel;
- attending Court proceedings;
- undertaking research;
- attending government offices for filing documents etc;
- preparing forms or drafting documents and letters; and
- discussions as to issues arising in cases and files.

Note that the Assignment for completion of the PE component of the Course requires you to report and reflect on aspects of your experience, so you should discuss with your supervisor how these aspects can be achieved.

### ***Supervision in the PE component***

Your supervisor must be a legal practitioner of not less than 3 years' (full time or equivalent) experience, holding or entitled to hold a current practising certificate. In firms or offices where the principal supervisor of staff is a HR or Practice Manager, there must be a solicitor meeting these qualifications with immediate supervision of your work, who will sign the supervisor's certificate 2 referred to above. The HR or Practice manager must provide confirmation on letterhead that the student is undertaking the professional experience at that location.

The supervisor is asked to support the student's learning by having a general understanding of the objectives and structure of the Course and:

- to ensure that the student has adequate time during the working week and access to the resources of the workplace to enable them to complete structured Course work; and
- to allow the student time off where necessary to attend compulsory seminars and workshops to assist them to apply learning from the Course to professional activities; and
- to certify as to their completion of the professional experience component of the Course.

### ***Registration of your PE component***

Your PE (including your pre-GDLP) must be approved by the Director of the Professional Legal Training Program, before it can be accepted and registered for this component of the GDLP.

At the commencement of your GDLP professional experience, you must complete and hand in, in hard copy, the following documents:

- the Placement Information form (Form 1 attached);
- the Acknowledgement signed by your workplace supervisor (Form 2 attached);
- (if appropriate) Acknowledgement on letter head from the HR or Practice Manager; and
- if applying for approval of pre-GDLP PE, the letter from your employer specified in the pre-GDLP Guidelines (attached).

The commencement of the professional experience will not be approved or registered until these documents are handed in. If they are submitted later than 1 month after the

commencement of the period claimed as PE, the PE time will not commence to run until these documents have been handed in and the PE approved by the Director.

### **Insurance**

The University provides personal accident insurance cover for students in unpaid professional experience undertaken as part of this course. However, the placement must be notified to and approved by the Director of the Professional Legal Training Program before it commences, for insurance cover to apply. Students in employment are covered by their employer's workers compensation policy. Employers are responsible for any other insurances such as public liability arising in the course of the placement.

**Student responsibilities** – refer to the Code of Practice – Placements in the University Handbook.

In addition, you must conduct yourself in the placement in an acceptable professional manner, in accordance with the *Solicitor's Professional Conduct and Practice Rules*, and with due regard for the legal responsibilities of the workplace.

Until you are admitted to practice, and hold a practising certificate, you must not hold yourself out, or permit anyone else to hold you out, as a solicitor.

## **Assignments**

### **Reflective Journal**

During the professional experience phases of the course (pre-GDLP [if applicable] and during the GDLP), you are required to maintain a journal recording your reflections and observations on legal practice. The pre-GDLP journal must be a minimum of 2 entries (600 words or 2 pages) and the GDLP journal a minimum of 6 entries (1800-2000 words or 8 pages) on separate topics. Hand in the pre-GDLP journal with the Supervisor's Certificate (Form 3) at the commencement of the Course and the GDLP journal with Form 3 at the end of the course.

#### *Keeping a reflective journal*

The concept of the "reflective practitioner" has been described as "...one of the most powerful influences shaping the pre-service education of professionals in [diverse] disciplines [including] law." The use of a reflective journal is a technique to think about aspects of practice and your own development in the course, as part of developing your own life-long learning processes. In this way, you evaluate your own development and needs for further learning. This ability is essential to the development of critical thinking and life-long learning skills.

You can use the journal to record your observations about the Course and about your experience in legal practice in a critical way, and to review your own performance both in the Course and in professional practice.

Some of the matters you might want to record include:

- observations of skilled lawyers in action;
- particular techniques of lawyer tasks - negotiating, client relationship, self-management, risk management;
- your own interaction with others;
- ethical problems which may arise in the workplace and how they are handled;
- your own efforts and appraisals of what you have learned from the experience;

- your own learning priorities;
- using colleagues as a sounding board for your work activities;
- what you have learned from the contents of the Law Society Journal or similar practice journal;
- your achievements in in-house training programs;
- feedback from supervisors and other colleagues on your work; and
- your own vision of what you want to achieve as a lawyer.

In keeping your reflective journal you will have recorded your observations of your early life as a legal practitioner. However, the aim of keeping a journal is not just to keep a record of events but to use the recorded information, and the ideas that flow from it, to increase your awareness of your professional self and to plan for your future professional life. To be a useful adjunct to your professional development, the process of reflection is just as much about the future as it is about the past.

There is no right or wrong approach to this assignment. However, to successfully complete the assignment, your work should evidence a high level of self awareness, reflection and planning.

## Completion of this Subject

To complete this Subject, you must submit to the Director, IN HARD COPY:

- (a) Form 3 signed by your supervisor(s) confirming completion of the period of pre-GDLP (if applicable) and GDLP Professional experience; and
- (b) Your reflective journal (for both periods, if applicable).

## Recommended reading

Lewis & Kyrou's *Handy Hints on Legal Practice* (3<sup>rd</sup> Edn), Lawbook Co, 2004

*“Commonsense is largely acquired by experience, but a great deal of it can be obtained from the advice contained in this book.” – Journal of Professional Legal Education.*

*“To find real pleasure in legal life, you need to open yourself to all sources of potential meaning. You will discover that understanding a client beyond her present legal problem does not detract from the technical job at hand; it gives the technical job deeper meaning by placing it in the context of life. Contracts are, after all, about human relationships; briefs are about disappointment, waiting to be heard. Seeing these deeper meanings is not a threat to good works; it enriches the experience of doing the work, engages the lawyer’s heart, and makes the end product more likely to be compelling.”*

Steven Keeva, ‘Transforming Practice – Finding Joy and Satisfaction in the Legal Life’, Chapter 2, ‘Integrating Your Heart and Mind’, an ABA Journal book, 1999.

**GDLP PROFESSIONAL EXPERIENCE FORM 1**

University of Wollongong



Faculty of Law

Professional Legal Training Program

**GRADUATE DIPLOMA IN LEGAL PRACTICE  
(Professional Legal Training Course)**

**PROFESSIONAL EXPERIENCE INFORMATION - COURSE .....**

Name .....

**PRE-GDLP PROFESSIONAL EXPERIENCE (PE)**

**UOW students**

- LLB 311/190 placement (normally 20 days)
  - Location:
  - Days completed:
  - LLB PE requirements completed?: yes/no (if no, give reason)
- If you seek credit of an additional period (up to 20 days maximum) PE obtained prior to the commencement of the GDLP and approved by the Director, note brief details here.....

**Non-UOW students**

If, as a non-UOW student, you seek credit of a period (up to 40 days maximum) of PE obtained prior to the commencement of the GDLP and approved by the Director, note brief details here.....

**REGISTRATION OF GDLP PROFESSIONAL EXPERIENCE COMPONENT**

Have you obtained employment or a voluntary placement to meet the PE requirements of the GDLP?

**If yes,**

Name of firm or organisation .....

Name of supervisor (attach acknowledgement) .....

Number of days worked per week .....

**If no:** when do you plan to undertake PE requirements? .....

.....  
Note that all PE requirements must normally be completed within 6 months after completion of the coursework of the GDLP.

**To be submitted to the Director before commencing GDLP Professional Experience**

**GDLP PROFESSIONAL EXPERIENCE FORM 2**

University of Wollongong



Faculty of Law

Professional Legal Training Program

**GRADUATE DIPLOMA IN LEGAL PRACTICE  
(Professional Legal Training Course)**

**WORKPLACE SUPERVISOR'S ACKNOWLEDGMENT**

**Student details**

Name .....

Current employer or Placement Office

.....

Location .....

**Workplace Supervisor's acknowledgment**

- I am aware that this student is enrolled in the University of Wollongong Professional Legal Training Course.
- I certify that the professional experience which the applicant will obtain in his/her employment or placement meets the criteria for law-related employment or placement, and that the student will be actively engaged in legal work under appropriate supervision.
- I also confirm that I have an appreciation of the objectives, structure and workload of the Course, and of the professional experience guidelines, and that I will support the student as may be appropriate in the workplace to enable him/her to satisfactorily complete the Course.
- I am prepared to report on the student's progress (if required) as part of an evaluation of the student's achievement of the standards of competency in the Course.
- I was admitted to practice as a solicitor/ barrister/legal practitioner in ....., and have practised for at least 3 years. I hold or am entitled to hold a current practising certificate.

NAME: (please print) .....

FIRM NAME OR WORKPLACE .....

Signature: ..... Date: .....

**NOTE:** Where the Professional Experience is undertaken in more than one location, the workplace supervisor of each such location must provide this certificate for the relevant period of time.

**To be submitted to the Director before commencing GDLP Professional Experience**

GDLP PROFESSIONAL EXPERIENCE FORM 3

University of Wollongong



Faculty of Law

Professional Legal Training Program

**GRADUATE DIPLOMA IN LEGAL PRACTICE  
(Professional Legal Training Course)**

**PROFESSIONAL EXPERIENCE RECORD**

**Student:** ..... **Student No.** .....

**Employment/Placement Location** .....

**Workplace/Placement Supervisor** .....

**CERTIFICATE OF WORKPLACE SUPERVISOR**

I **certify** that the abovenamed student has satisfactorily completed a total of ... ..days attendance and professional experience between the following dates :

\* (for commencing date, see note 1 below) ..... and .....

**Signed** (Supervisor) ..... **Date** .....

**NOTES:**

1. Professional experience for the purpose of the course in which the student is enrolled commences on 1 January (Autumn session course) or 1 June (Spring session course).
2. A student is required to complete a total of 80 days professional experience, of which any days completed as part of the LLB subjects LLB 311/190 *Lawyers and Australian Society*, may be included. This certificate records only those days worked in excess of the LLB experience, from the commencement date (note 1).
3. If the professional experience is undertaken in more than one location, the workplace supervisor should complete this record only in respect to the period in which the student has worked in that location.

**To be submitted to the Director on completion of the Professional Experience component of the GDLP (submit a Certificate for each separate Professional Experience placement, if you had more than one)**

**APPROVAL AND REGISTRATION OF PRE-GDLP  
PROFESSIONAL EXPERIENCE**

**Guidelines**

These guidelines are for the assistance of students or prospective students who wish to obtain approval for and credit of a period of Professional Experience (PE), *on which they are about to embark*, towards the overall PE required for the UOW Graduate Diploma in Legal Practice (GDLP). They describe the kinds of legal environment and proposed professional experience that are likely to be approved and information for potential supervisors as to their responsibilities.

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  - the (normally 20 days) placement period undertaken in LLB 311 or LLB 190 *Lawyers and Australian Society*; and
  - a further 20 day's supervised PE that meets these Guidelines;
- as a non-UOW student, up to 40 days' supervised professional experience that meets the Pre-GDLP Guidelines.

For your proposed Pre-GDLP PE to be approved, you need to submit:

- Form 1 (placement information);
- Form 2 (supervisor's acknowledgement); and
- a letter on firm/department letterhead describing the kinds of PE you will be undertaking specifically acknowledging that this will include some of the aspects of legal work experience included in the guidelines. This letter should be addressed to the Director, Professional Legal Training Program and signed by you and the person who has agreed to be your supervisor.

When you complete your pre-GDLP PE, you need to submit:

- Form 3 (supervisor's certificate); and
- Your reflective journal for the period of your pre-GDLP PE

**'Practice-based' legal environment <sup>1</sup>**

The environment in which all sectors of the professional experience component are undertaken to complete your placement must be 'practice-based', enabling you to apply your legal knowledge and gain hands-on experience of legal work. This may include:

- experience of the types of routines and procedures which are commonly found in offices in which legal services (broadly defined) are provided;

<sup>1</sup> Law-related environments such as law teaching, legal publishing, policy development or research and IT support do not qualify for professional experience as they are not practice-based.

- experience of the dynamics which are commonly found in the provision of legal services;
- contact with and responsibility to the clients of the office or organisation in which professional experience is undertaken; and
- experience in the process of becoming a professional.

Within that context, professional experience can be undertaken in a wide range of locations. For example:

- in a firm of solicitors (large or small, city or suburban or rural; specialist practices);
- in the legal department of a corporation;
- in the legal department of a government department or statutory authority;
- in a community legal centre, or clinic
- with an employer or employee association;
- with a judicial member of a Court or Tribunal;
- with a barrister;
- with police prosecutors;
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The placement might include tasks such as:

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### **Supervision of Professional Experience**

Your supervisor must be a legal practitioner of not less than 3 years' (full time or equivalent) experience, holding or entitled to hold a current practising certificate. In firms or offices where the principal supervisor of staff is a HR or Practice Manager, there must be a solicitor meeting these qualifications with immediate supervision of your work, who will sign the Supervisor's Acknowledgement (Form 2) and the Supervisor's Certificate (Form 3) referred to above. The HR or Practice manager must provide confirmation on letterhead that the student is undertaking the professional experience at that location.

The supervisor is asked to support the student's learning by having a general understanding of the objectives and structure of the GDLP. In brief these are:

- to build upon the knowledge, skills and attitudes acquired in both the academic and training stages of preparation for admission to practice;
- the GDLP PE program is not merely "work experience". Research in other professions has shown that the workplace is one of the most important locations for learning and relating theory to practice; and
- the inclusion of PE in the GDLP enables students to more readily relate the 'theory' of legal practice with its practical application.

### **Reflective Journal**

During your pre-GDLP professional experience you are required to maintain a journal recording your reflections and observations on legal practice. Where up to 20 days is claimed, the pre-GDLP journal must be a minimum of 2 entries (600 words or 2 pages) on separate topics and for between 20 and 40 days a minimum of 4 entries (1200 words) must be included in the journal. Hand in the pre-GDLP journal with the Supervisor's Certificate (Form 3) to the Director when you commence the GDLP

*Keeping a reflective journal*

The concept of the "reflective practitioner" has been described as "...one of the most powerful influences shaping the pre-service education of professionals in (diverse) disciplines (including) law." The use of a reflective journal is a technique to think about aspects of practice and your own development in the course, as part of developing your own life-long learning processes. In this way, you evaluate your own development and needs for further learning. This ability is essential to the development of critical thinking and life-long learning skills.

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- your own learning priorities;
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There is no right or wrong approach to this assignment. However, to successfully complete the assignment, your work should evidence a high level of self awareness, reflection and planning.

If you or your potential supervisor have any questions, please feel free to contact me at any time.

Associate Professor Ian McCall  
Director, Professional Legal Training Program  
Faculty of Law  
University of Wollongong