

New Developments and Policies in Australian Legal Education

Prof Michael Adams

Dean, School of Law & Deputy Chair CALD

Introduction

- Based on Sino-Aus Law Deans meeting 14th Oct 2016
1. Broad landscape of Australian legal education
 2. Impact of the “demand-driven system”
 3. Role of government regulation (TEQSA/AQF)
 4. Graduate attributes, Admitting authorities and role of accreditation standards
 5. Career prospects – legal employment - data

We acknowledge the traditional custodians of this land and celebrate their ongoing culture and contribution to society.



Background

- ❖ Lot has occurred since October 2014 – last Sino-Aus Law Deans conference in China...
- ❖ Australia maintains a predominantly public system of tertiary education and law schools
 - ❖ More not-for-profit law schools (Bond Uni/Notre Dame)
 - ❖ for profit law school (TOP Sydney Law School)
- ❖ Demand driven system has created a huge growth in undergraduate places at University, including law schools
- ❖ Increased number of UG combined degrees with law
- ❖ More JD law degrees at the graduate level

Landscape of legal education

- ❖ Australia went from four law schools in 1855 to 39 in 2015
- ❖ Over 36,500 current law students enrolled
- ❖ 8,300 will graduate in law in 2016
 - ❖ Majority with LLB (combined with a second degree)
 - ❖ Growing demand for JD or a graduate LLB
 - ❖ 75% will enroll in Practical legal Training
 - ❖ Only 50% will intend to practice law out of the total law graduates
- ❖ Australia has 70,000 solicitors and 20,000 barristers
 - ❖ 5,800 admitted to practice annually 52% male 48% female
 - ❖ 70% private practice – 11% government lawyers – 19% corporate

Legal education governance

- ❖ Australian Academy of Law
- ❖ Law Council of Australia
- ❖ State/Territory Admitting Authorities
 - ❖ Law Admission Consultative Committee (LACC)
- ❖ State/Territory Law Societies and Bar Associations
- ❖ Council of Australian Law Deans
- ❖ Australasian Law Teachers Association
- ❖ Australasian Professional Legal Education Council
- ❖ Continuing Legal Education Association of Australasian
- ❖ Australian Law Students Association

Legal education

- ❖ Three stages:
 - ❖ academic – University LLB or JD
 - ❖ practical legal training (PLT) – leading to admission
 - ❖ continuing legal education – practicing certificate – compliance
- ❖ Uniform Admissions Rules have been passed by the States of NSW and Victoria
- ❖ Other States/Territories have own admission rules with coordination by LACC
- ❖ Academic stage must comply with “Priestley 11 areas of knowledge” since 1992 (with some amendments)

Priestley 11 requirements:

- ❖ Administrative law
 - ❖ Civil procedure
 - ❖ Company law
 - ❖ Contracts
 - ❖ Criminal law
 - ❖ Ethics and professional responsibility
 - ❖ Underlying requirement “statutory interpretation”
- * Constitutional law
 - * Property law
 - * Torts
 - * Evidence
 - * Equity & trusts

Regulation

- ❖ Australian Qualification Framework
 - ❖ applies a standard qualifications framework from level 1 (certificate) to level 10 (doctorate)
 - ❖ LLB is a AQF level 7 (undergraduate degree)
 - ❖ LLB (honours) is a level 8
 - ❖ JD and LLM is a AQF level 9 (postgraduate degree)
 - ❖ SJD and PhD is a level 10 (doctorate)
- ❖ Tertiary Education Quality and Standards Agency Act 2011 created a Federal regulator (TEQSA) to establish standards for all higher education providers.
- ❖ Former Aus L & T Council established Threshold Learning Outcomes for law degrees in December 2010

CALD Standards for Law Schools

- ❖ CALD over a number of years adopted by unanimous resolution the CALD Standards for Australian Law Schools on 17 November 2009
 - ❖ Covering curriculum; assessments; law school mission; infrastructure; resources (library standards); governance; link teaching & research and processes for review/evaluation
 - ❖ The Standards were amended to include the Threshold Learning Outcomes developed by Aus Learning & Teaching Council
- ❖ Applications were received to an independent Australian Law Schools Standards Committee (ALSSC); which is still reviewing all Australian law schools



LACC Accreditation of Law Courses

- ❖ The Australian Admitting Authorities (LACC) decided not to adopt or apply the CALD Standards but develop their own Accreditation Standards for Australian law courses.
 - ❖ These are yet to be settled and should be completed in 2016
 - ❖ There have been many challenges with the uniform admission rules and other States/Territories; as well as CALD having specific input
 - ❖ Focus is only on the academic part of the law student seeking to be admitted (LLB or JD requirements linked to Priestley 11 etc)

Law Council of Australia

- ❖ Leading a whole profession Legal Education roundtable in November 2017 on the following issues:
 - ❖ Tertiary content, standards and graduate attributes
 - ❖ Post-admission education standards
 - ❖ Admission standards
 - ❖ Data collection
 - ❖ Domestic and foreign practice of law
- ❖ AAL hosting **Legal Education Conference** in Aug 2017
- ❖ Data collection has been a hot topic and NSW Law Society is working with all NSW/ACT law schools to provide a three year study on law graduate destinations (tracking) and intentions to practice law
- ❖ Technology – internationalisation – rankings – other issues?

Any questions?

School of Law
Western Sydney University

Mobile: 0410 645 418
Michael.Adams@westernsydney.edu.au

WesternSydney.edu.au/LAW