

PRACTICAL TRAINING

If not an LLB and PLT, then what?

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The completion of a three to four year bachelors degree in law and practical legal training (PLT) in the form of articles of clerkship or institutional PLT is the traditional model for pre-admission education in Australia. The degree course allows students to acquire a knowledge and understanding of the basic legal principles in a broad range of traditional subject areas. The PLT course enables students to acquire basic lawyering skills. This model contributes to the student's professional development, prepares the student for employment and satisfies the academic and practical training requirements for admission. The model is cost-efficient and caters for many of the interests of stakeholders, being the students, courts, the legal profession, employers, government, universities, law schools and the community.

Several universities in Australia have repackaged the contents of their LLB so as to incorporate the PLT component into the academic stage. This does not add or subtract anything from the traditional model, but merely shakes up the existing composition. There are three ways in which this repackaging may be carried out: (1) expand the LLB program to accommodate the conglomerate program. However the Department of Employment, Education and Training (DEET) would probably oppose a nationwide expansion of the LLB to five years, due to the

extra cost that the government would incur; (2) discard some of the existing content of the academic and PLT components so that a conglomerate program could be run over a four year period; (3) employ better and more efficient teaching methods so that it would only take four years to do what would have been done in five years.

PLT may not be suited to the undergraduate environment. PLT is designed to build upon undergraduate studies by preparing students for entry into the legal profession. It can be argued that PLT programs are postgraduate in nature. As law degrees become more generalist, law schools must cater not only for those who do not intend to enter private practice and have to be careful of the resources they allocate to the PLT training component. Postgraduate PLT provides those who want to practise with an avenue to do so without lumbering those at the undergraduate level with learning practice skills that they do not require.

Many schools have set up the LLB as a graduate degree. Another option is to have the LLB as an extension to the BLegalStudies. Those who wish to practise could opt to do an extra year to attain a LLB which would then qualify them for admission. The problems with clinical placements and articles are also raised.

'The present model of academic education and practical training in the form of a university law degree followed by intensive PLT provides scope for innovation and diversity while ensuring minimum content and standards of teaching and assessment. It is resource efficient

in separating the intensive practical training component from the more general academic component.'

LPC skills assessment: a year's experience

H Brayne

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The Legal Practice Course (LPC) in the United Kingdom is now over one year old. The University of Northumbria in Newcastle also has students who are undertaking a law degree which grants an exemption from the LPC (Exempting Degree), but nonetheless the standards are identical. The author has taught skills in both programs.

The Legal Practice Board requires defined legal skills to be included in the LPC and assessed. The skills defined as essential are drafting and writing, research, advocacy, interviewing and negotiation (known as DRAIN). Both in the Exempting Degree and the LPC students must demonstrate competence in each of these skills to the Board's prescribed standards, although the former uses a clinical setting to teach and assess these skills.

The standards set by the Board describe good lawyering. However, the attainment of these skills cannot easily be demonstrated because they are premised on the existence of an ongoing client relationship which in the LPC does not exist. The standards to be attained by students are described by value-laden words, such as 'professional', 'best' or 'appropriate', which are not defined or are difficult to define. Assessment regimes for skills appear to either grant to the

assessors a wide discretion or consist of rigid, mechanical checklists. Despite these difficulties in determining whether the standard has been met, anecdotal evidence is provided that some consensus on the appropriate standard to label competence does exist, resulting in some degree of reliability in skills assessment.

In assessing a student's skills it is hard to know where to draw the line on legal accuracy. Students should be given enough guidance to be confident about the relevant areas of law and procedure, so that the focus can be squarely upon the demonstration of competence in the skill. The main advantage of the clinical program as used in the Exempting Degree is that practical skills are assessed in a practical context with real clients and real problems. Tutors are able to form a far better view of the student's abilities than they would in a snapshot exercise in normal skill assessment regimes. Students in the Exempting Degree course are less concerned with assessment and more focused on the client.

The Board's standards imply that the integration between skills, procedures and substantive law is essential. However, for the student skills competence has become a matter of assessment, rather than part of a holistic approach to being a lawyer. Moreover, in this assessment-dominated culture, where the goal is to ensure that students entering practice have basic professional skills, almost no one will fail the skills assessments.

In the realm of practical training two things would make for further improvements: (1) dropping separate skills assessment and making them pervasive parts of the

whole LPC; and (2) in the longer term, establishing more Exempting Degrees.

Practical legal research the Cardiff way

P Clinch

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Practical legal research (PLR) is one of the five skills included in the Legal Practice Course (LPC) in the United Kingdom, which lays stress on the acquisition of practical and transferable skills as well as the accumulation of legal knowledge. PLR is concerned with students demonstrating competence in the planning and execution of research and the presentation of the results of that research.

Cardiff Law School has been validated by the Law Society's Legal Practice Course Board to teach the LPC. When devising the Cardiff LPC, it was recognised that PLR was one of the foundation skills and thus featured heavily in the three week induction program. The Board requires that skills be interrelated with the compulsory subjects. Therefore outside the induction program PLR is related to business law and practice and litigation.

During the three week induction program students receive a total of 12 hours of PLR instruction: 6 two hour lessons with 3 on the paper aspects of PLR and 3 on the information technology aspects. In parallel with the compulsory courses a further 5 hours of PLR instruction were provided.

The PLR course is composed of three elements: (1) identification and analysis of a problem; (2)

finding information to solve the problem; and (3) presentation of the results of the research. The content of the course includes instruction on how to use Halsbury's and Current Law publications, the Legal Journals Index (in electronic form) and a range of practice publications. Considerable effort is put into the preparation of handouts so as to form a reference to PLR techniques for students in the present and the future. These include a PLR skills guide, containing 35 criteria grouped under 5 broad headings which provides the framework for the teaching objectives and the stated criteria upon which the students are to be formally assessed.

Assessment is through the submission of a word-processed memorandum on a client problem. The subject matter of the assessment is relatively straightforward, although it was apparent from the answers received that more instruction was required on identifying the purpose of the research and the form of response required for the situation.

Acquiring basic legal skills and knowledge: what and where?

J de Groot

[See **Research**]

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