

SUPERVISED LEGAL TRAINING

Introduction

You should read this Guide in full before you start your “Supervised Legal Training”.

Within one month of commencing supervised legal training, you must record your details and submit your documents to the Board for approval.

Employers Statutory Declaration and **Supervised Legal Training Plan** must be submitted to the Board for approval.

Online

Supervised legal training approvals must be sought via the online client portal. The first three steps should be undertaken within one month of commencing a supervised legal traineeship.

1. Employer's statutory declaration to be submitted to the Board for approval.
2. Once the Employer's Statutory Declaration is uploaded, the next step in the portal will be the completion of an online training plan.
3. In order for the Board to approve the commencement of your supervised legal training, evidence must be obtained that the necessary academic qualifications set out in Rule 5(1) have been acquired. This is undertaken by arranging for an academic transcript to be sent directly to the Board from the academic institution.

An online workbook will be required to be kept for the duration of your supervised legal training. The workbook is an extension of the training plan. Once an element of your training plan has been undertaken, it should be marked as completed in the online workbook.

Should you wish to keep a paper workbook in conjunction with the online version, this is at the discretion of your employer. See Workbook. The Board only requires a completed online version for demonstrating compliance that must be maintained which records the trainee's completion of each performance criteria [in the practice areas and other components conducted within the firm].

The Victorian Legal Admissions Board (“the Board”) provide for the operation of the Legal Profession Uniform Admission Rules 2015 (“the Rules”) and has delegated Section 17 of the Law to the Victorian Legal Admissions Committee (“the Committee”).

The Rules set out the procedural requirements for admission and specify the academic qualifications and practical legal training prerequisites.

Personal details

You will be admitted as an Australian Lawyer in the name that is shown on your identification. If you have changed your name and wish to be admitted in your new name, you must upload a certified copy of either your marriage certificate, or your change of name certificate issued by a Registry of Births, Deaths and Marriages in any Australian State or Territory

Academic studies and practical legal training completed more than 5 years ago

To apply for an assessment of your academic qualifications completed more than five years ago, you should set out the circumstances surrounding the delay in applying for admission. You should provide details and evidence of further law related study and/or experience and attach a transcript of your academic records and an up-to-date curriculum vitae. You may make application through the online portal or by letter.

Concurrent study

You cannot commence supervised legal training until after completing an accredited academic qualification.

Academic qualifications prerequisite

The academic qualifications prerequisite is successful completion of a tertiary academic course in Australia which:

- (i) includes the equivalent of at least 3 years' full-time study of law;
- (ii) is accredited by the Board; and
- (i) provides appropriate understanding and competence in each element of the academic areas of knowledge set out in Schedule 1 of the Rules.

You must arrange for your academic transcript to be sent directly to the Board by the educational institution within one month of commencing supervised legal training and it should reveal all the requirements for the award of the qualification and date of completion or conferral/graduation.

Exemptions and credits

If you studied law at more than one tertiary institution and have been granted exemptions or credit in any areas of knowledge set out in Schedule 1 of the Rules, you must provide an academic transcript from each institution where you have studied, in addition to the institution which awarded the qualification. All transcripts are required to enable the Board to confirm that any exemptions or credits meet the current academic areas of knowledge.

If any previous exemptions or credits do not satisfy the academic areas of knowledge set out in Schedule 1 of the Rules or have not been undertaken in an accredited Australian law course you may be required to reprise the subject to satisfy the academic requirements for admission.

Conduct reports

The Board requires all applicants for admission to seek a report from each Australian academic institution where they have undertaken the areas required to attain their academic qualification for admission and completed the practical legal training prerequisite.

The report must disclose academic and general misconduct and should not be limited to misconduct, which has been found proven as a result of formal proceedings.

Academic misconduct includes but is not limited to plagiarism, impermissible collusion, cheating and any other conduct whereby the applicant has sought to obtain an impermissible academic advantage or other breach of the educational institution's rules. General misconduct includes but is not limited to offensive behaviour, property damage, sexual harassment, racial vilification or other breach of the rules of conduct of the educational institution.

Matters which a report should disclose include circumstances where a student has received a warning, marks have been deducted, an allegation was made, or an investigation took place, even if the student was subsequently exonerated.

You should note that your individual duty of disclosure to the Board is not limited to matters which appear on the Report.

You must arrange for these reports to be sent directly to the Board by the academic institutions.

Academic requirements in a foreign jurisdiction

If you completed the academic requirements for admission in a foreign jurisdiction (outside Australia) you will need to have your qualification assessed by the Board.

You will need to fulfil the prescribed requirements of the assessment before you can commence supervised legal training.

Practical legal training prerequisite

The practical legal training prerequisite is the acquisition and demonstration of appropriate understanding and competence in each element of the skills, values and practice areas set out in Schedule 2 of the Rules.

Training provider approval

Ethics and Professional Responsibility, Lawyer's Skills and the Risk Management element of Work Management and Business Skills must be taught by an approved practical legal training provider or by another provider approved by the Board for that purpose.

An application for approval should be made prior to submitting your supervised legal training plan.

In addition to requiring that applications for approval satisfy the criteria, applicants are also required:

- to agree to an onsite visit by a representative of the Board to discuss the progress of the training program with the supervisor and the trainee.

Once an employer has been approved to provide training in Ethics and Professional Responsibility, Lawyer's Skills and/or Risk Management that approval will be ongoing unless advised by the Board.

Demonstrating compliance

An online workbook will be required to be kept during the duration of your supervised legal training. Should you wish to keep a paper workbook in conjunction with the online version, this is at the discretion of your employer. The Board only requires a completed online version for demonstrating compliance which must be maintained which records the trainee's completion of each performance criteria [in the practice areas and other components conducted within the firm].

Employers approved to conduct training in Lawyer's Skills, Ethics and Professional Responsibility and/or Risk Management should use the same online workbook to maintain a record of the completion of each element and performance criteria required in these units.

Ethics and Professional Responsibility

The training program must cover the elements set out in Schedule 2 of the Rules under the competency Ethics and Professional Responsibility. The focus should be on a method of instruction that promotes self-awareness of ethics and potential ethical issues, and offer a positive and enriching approach to problem solving, rather than one based on the 'don't get caught' principle.

Methods of instruction that include selection of exercises and tasks from the readings from texts listed below with a practical emphasis are best but could also be taken from firm matters with an ethical focus across a number of different practice areas.

The Rules require that trainees should be assessed on their understanding and application of each element. Applications should therefore include details of how trainees will be assessed, what exercises will be used, who will conduct the assessment and what assessment criteria will be applied.

Assessment need not be graded, i.e. an exercise should be assessed on a "Satisfactory/ Unsatisfactory" basis. Some practical methods of assessment are simulated exercises where ethical problems are set for students and the issues are debated.

There are many Australian texts that cover this area in great depth and many carrying sections with exercises that can be used by instructors. Some suggestions include:

Parker and Evans, *Inside Lawyers Ethics*, Cambridge University Press 2nd ed, 2014, useful exercises and focus on Australian ethical issues and Victorian examples in particular.

Dal Pont, *Ethics and Professional Responsibility*, comprehensive national ethics resource, Thompson Reuters, 5th ed 2012.

Evans, *Assessing Legal Ethics*, Cambridge University Press, 2010, techniques, questions and assessments that can be modified to suit different legal environments.

Lawyer's Skills

The principal purpose of the application is to demonstrate not merely that all the elements and performance criteria for Lawyer's Skills contained in Schedule 2 will be met but how they will be met.

The Board regards the process of teaching skills such as those comprised in Lawyer's Skills as requiring three components:

- analysis of the principles underlying the skill;
- practice by students; and
- the provision of detailed feedback on their practice exercises.

It is not sufficient for trainees to learn simply by “observing” their supervisor or other practitioners.

Note 1: If there is only one trainee in the firm, formal teaching sessions are not necessary. What is necessary is that the supervisor must designate times at which the supervisor and the trainee will cover the principles underlying each skill by reference to a text or appropriate materials. For oral skills, the trainee should preferably be given the opportunity to practise them through simulated exercises (perhaps with another practitioner), and receive detailed feedback. For the written skills, the trainee should be required to complete written tasks (such as writing letters or drafting documents) and receive detailed feedback from the supervisor.

Note 2: Teaching may be completed in one intensive block, such as a week, or through sessions conducted at intervals throughout the training period.

Note 3: It is not necessary that each of the eight elements be taught separately. It may be appropriate to combine two elements in one teaching session: for example, Element 1 Communicating effectively and Element 3 Interviewing clients; or Element 6 Negotiating settlements and agreements and Element 7 Facilitating early resolution of disputes.

Note 4: Element 8 Representing a client in a legal forum includes the Performance Criteria “presented and tested evidence in accordance with the law and good practice”.

The Board will regard this criteria as being satisfied if the trainee analyses the strengths and weaknesses of available evidence and demonstrates an understanding of the underlying principles of evidence law.

Applications should therefore specify how the teaching program will be structured, including approximately how much time will be devoted to each skill; and how simulated exercises (for both oral and written skills) will be organised.

The Rules require that trainees should be assessed on their understanding and application of each element.

Applications should therefore include details of how trainees will be assessed; what exercises will be used; who will conduct the assessment; and what assessment criteria will be applied.

Assessment need not be graded; ie an exercise should be assessed on a “Satisfactory/ Unsatisfactory” basis.

Some practical methods of assessment are:

- * Simulated interviews can be conducted with another practitioner playing the role of the client. That practitioner then assesses the trainee.
- * Simulated negotiations can be conducted between two trainees, with the supervisor observing and assessing their performance. Alternatively, a trainee may negotiate with another practitioner who assesses the trainee at the conclusion.
- * Simulated advocacy can be conducted before another practitioner.
- * Written skills can be assessed on the basis of exercises or file work be completed by the trainee.

Some of the texts listed below contain suitable exercises.

It should be noted that, once the supervisor or firm has organised the training program, and set exercises and assessments, for the first year, the same exercises can be used in subsequent years.

The training program should be based on an appropriate published text (copies of which should be available to trainees). If a supervisor or firm wishes to create their own materials these should be based on such texts. The following texts are suitable for use in Skills training.

- ~ Hyams and others, *Practical Legal Skills*, Oxford University Press, 4th ed 2014. Covers interviewing clients, writing letters, drafting documents, negotiating and representing clients in court.
- ~ Butterworths Skills Series, Lauchland & Le Brun, *Legal Interviewing: Theory Tactics and Techniques*, LexisNexis, 1996 – also good for Negotiation.
- ~ Macdonald & McGill, *Legal Drafting: A How to Guide* LexisNexis, 2014
- ~ Spiegel, Rogers & Buckley, *Negotiation: Theory and Techniques* LexisNexis, 2004
- ~ Asprey, *Plain Language for Lawyers*, Federation Press, 4th ed, 2010
- ~ Butt, *Modern Legal Drafting*, Cambridge University Press, 3rd ed, 2013
- ~ Wydick, *Plain English for Lawyers*, Carolina Academic Press, 5th ed, 2005

It is not mandatory to use a text on this list. Any text which explains to lawyers how to teach Lawyer's Skills is acceptable.

Risk Management

The same general criteria apply as for Lawyer's Skills.

If the supervisor or firm proposes to conduct such a session themselves, the application should outline the matters which will be covered in the session.

Suitable materials are available from the Legal Practitioners Liability Committee at www.lplc.com.au under Practical Risk Guides.

This element must also be assessed. A suitable method of assessment would be to provide the trainee with a fictional scenario which raises issues of risk management and instruct him/her to prepare a memorandum analysing the flaws in the handling of the matter and making recommendations for improvement.

See [Approval as a Training Provider Statutory Declaration](#) on our website.

Approval to provide training in an alternative optional practice area

The National Practical Legal Training Competency Standards for Entry-Level Lawyers requires that trainees complete two optional practice areas.

The optional areas are Administrative Law Practice, Criminal Law Practice and Family Law Practice, Banking and Finance, Consumer Law Practice, Employment and Industrial Relations Practice, Planning and Environment Law Practice and Wills and Estates Practice.

Some employers may not be able to adequately provide training in any of the optional areas due to the nature of their practice. In this case, the employer may apply to the Board for approval to provide training in a different nominated practice area.

Trainees must complete one optional practice area from the identified practice areas and an employer who wishes to provide training in an alternative practice area must apply to the Board. See [Approval to Provide Training in an Alternative Optional Practice Area Statutory Declaration](#) on our website.

An application for approval should be made prior to submitting your supervised legal training plan. Once an employer has been approved to provide training in an alternative optional practice area that approval will be ongoing unless advised by the Board.

In circumstances where the Board has granted approval to provide a course of instruction in an Alternative Optional Practice Area each new trainee must seek dispensation from the Rules to include an alternative optional practice area. See [Dispensation for Variation to Alternative Optional Practice Area Statutory Declaration](#) on our website.

More than one trainee

A supervisor must not supervise more than one trainee at the same time without the prior approval of the Board. The employer must set out the experience and background of the supervisor to train more than one trainee and the level of contact the supervisor will have with each of the trainees. See [Approval to Supervise More Than One Trainee Statutory Declaration](#) on our website.

Change of supervisor or employer

If you have a change of supervisor or employer you should contact the Board on 03 9604 2451.

Changes to training plan

Any minor alterations to your training plan should be set out in Completion of Traineeship Statutory Declaration – Employer at the conclusion of your traineeship. Any major alterations should be discussed with the Board on 03 9604 2451.

Completion of supervised legal training

[Completion of Traineeship Statutory Declaration – Employer](#) and [Completion of Traineeship Statutory Declaration – Supervisor](#) must be submitted at the completion of your supervised legal traineeship.

Application for compliance certificate

You may now apply for a compliance certificate. See [Application for Compliance Certificate](#)

Contact Us

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