HOW TO SURVIVE & THRIVE IN YOUR FIRST YEAR OF LAW

A REALISTIC GUIDE TO THE STUDY AND PRACTICE OF LAW
This Guide was created by members of the NSW Young Lawyers Civil Litigation Committee
About this Guide:
The aim of this nutshell guide is to expose the media contradictions and dispel the public perceptions that the practice of law is glamorous, interesting, highly prestigious, and well paid.

It is the essential survival guide to assist you in deciding whether a legal career is the right choice for you, and if so, how to survive the everyday legal professional challenges from law school through to the first few years of legal practice.
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ABOUT THIS GUIDE

NSW Young Lawyers (www.younglawyers.com.au) is a professional organisation and department of the Law Society of NSW. It represents lawyers up to 36 years of age or who have been admitted to practice for less than five years, as well as law students. All lawyers in NSW fitting this description are automatically members of NSW Young Lawyers.

NSW Young Lawyers is comprised of a number of committees, each of which specialise in a particular field of law. The Civil Litigation Committee is made up of lawyers, barristers and students who have an interest in civil litigation. The vision of the Committee is to create a profession distinguished by its commitment to excellence in dispute resolution, collegiality and opportunities for practitioners to grow. The Committee specialises in all matters within the realm of civil dispute resolution. Regardless of the method, the jurisdiction or the field of law, we focus on the exciting part of all disputes - resolving them!

The Committee has endeavoured to make the area of professional support and reform one of its main priorities. The legal profession has recently been engulfed by reports of endemic depression and the poor treatment of young lawyers by their employers and peers. This has caused considerable debate in the wider legal community and has captured the attention of the Committee. This guide endeavours to give a public voice to the problems which young lawyers face in their first years of practice and assist young lawyers with their efforts in becoming a part of this great and challenging profession.

Without the hard work and dedication of active committee members, this guide would not have been possible. I am indebted to Natalie Mason and Kathryn Millist who initiated and drafted this guide. I also wish to express my sincere thanks to Jonathan Adamopoulos, Michael Bacina, Natalie Karam, Stephen Lee and Lexi Rosenwax, who assisted with editing.

Joanne Chaina
Solicitor, Colin Biggers & Paisley
Chair, Civil Litigation Committee (Nov 07 - Nov 10)
NSW Young Lawyers
**FOREWORD**

I wish that this guidebook had been available when I was a young lawyer. Or, better yet, when I was just finishing school.

If it was, I’d now probably be a happy Vet.

If I’m really honest though, even if this guidebook was around 20 or so years ago, I probably wouldn’t have read it. If there’s one piece of advice that I’d give to a young lawyer today, it’s this: read this guidebook. All of it. Now.

Why? Well, if you’re going to potentially spend 20, 30, maybe even 40 years doing something, it’s a good idea to read the instruction booklet first. And ‘How to survive and thrive in your first year of law’ is a great instruction manual. If the authors have left out an important aspect of legal practice for a young lawyer to consider, or have failed to address all of the questions a graduate might ask, I don’t know what it would be.

There’s probably also an even better reason to read this guidebook. It’s one thing to be a 20-something that finds themselves staring out of a law firm window while wondering, is there something better than this? It’s a whole lot sadder to be doing that as a forty-something. This guidebook is designed to ensure that shouldn’t happen.

It’s natural for a book like this to focus on the pitfalls of legal practice rather than the positives, and a whole lot of bad stuff gets covered in the pages that follow. Long hours; burnout; stories about partners who “don’t have time to be nice”; stories about having to do things that perhaps you’re not ethically suited to. And, at the end of it, realising that in your entire career you will probably never have an Alan Shore or Denny Crane moment in court. Except unintentionally.

It’s still true, just as it was nearly 50 years ago, that “no one gets to be Atticus Finch except Gregory Peck.” But you might end up finding out that you like being a lawyer. A lot of people do, and some of those people do a lot of good for others while they’re at it. You might end up finding out that parts of it are enjoyable, and that some of it’s even fun. Even some of the hard stuff. Whether you end up liking being a lawyer or not though, you’ll be a whole lot better informed about the sometimes daunting process of starting your career if you read ‘How to survive and thrive in your first year of law’.

Richard Beasley
Barrister, Level Nine Wentworth Chambers

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**The reality of legal practice in the style of Bridget Jones**

| Hours Spent at Work: 14.2 (v. good); Billable Hours: 5.7 (v. bad); Minutes Spent Staring Out Window: 97 (needs improvement); Minutes Spent Mentally Reliving Conversations and Imagining What I Should Have Said Instead of What I Did Say: 46 (excellent); Number of Times Let Ringing Phone Go to Voicemail: 2 (v. bad, College of Law lecturer said this was sign of professional incompetence, but calls were from mother, so okay). |
Despite their legal setting, shows like *Boston Legal* and *The Practice* focus on unrealistic dramatised Court hearings and the romantic and personal lives of the main characters. Being a lawyer is not as glamorous or exciting as portrayed by these dramas and legalistic movies such as *A Few Good Men* or *The Firm*. These dramas and movies are far removed from the realities of day-to-day practice as a lawyer. They are analogous to legal fictions: “A legal fiction ... is an assumption of a possible thing as a fact, which is not literally true...”

Glossy graduate brochures promise a future of success and endless career potential. However, (subject to the particular firm or practice area), many lawyers spend the majority of their working day inside offices, behind computers, researching and drafting complex written advices, pleadings and letters and not involved in high-profile trials. Working as a lawyer involves the practical application of legal precedents and theories to resolve and negotiate legal problems.

“Unfortunately, no one gets to be Atticus Finch except Gregory Peck”

This can require extensive research and/or the review of many documents. Some paralegals and junior lawyers spend years reviewing and summarising entire rooms full of documents from floor to ceiling in order to establish the relevant facts in issue between the parties in disputed proceedings. In reality, the first years of legal practice can consist of solitary hours in front of a computer or in isolated rooms reviewing documents.

“...most of a lawyer’s time is filled with paperwork, interviews, research, filing and re-filing motions and organizing case files. Unfortunately, no one gets to be Atticus Finch except Gregory Peck.”

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**Before you got to university**

The mismatch between expectation and reality
Is a legal career for me?

“There are many different pathways that can lead to rewarding careers. Remember, a choice made today is not a choice made forever. People are no longer locked into one occupation or education level...”

There is likely to be more than one occupation that is right for you. Write a list of your strengths, abilities, interests, passions and experiences. Consider what your hopes and visions are for your future. Talk to people who are lawyers about their experiences and attend career expositions at universities and/or schools in your area.

Refer to useful websites such as www.myfuture.edu.au, which is Australia’s online career information and exploration service. Myfuture provides information and tools to help people investigate career pathways. It includes comprehensive information about various occupations, courses and most importantly state-by-state labour market information which may assist you in deciding whether law is the right occupation for you.

Certain companies and professions (including law) will request a copy of your academic transcript and confirmation of your UAI when you apply for postgraduate positions. To find out more on occupations, job prospects, employment growth, skill profile and average income of various occupations go to www.joboutlook.gov.au.

Don’t be persuaded to study law just because you obtained a high UAI and felt pressured by your family and/or peers to study law.

Attending law school is an enormous personal and financial commitment and one that should not be entered into without deep consideration and adequate financial and personal self-assessment.

If you are serious about a career in law, evaluate your abilities, work inclinations, and personal goals.

Being a lawyer can be fulfilling if you enjoy working in a team, working under pressure to meet deadlines, learning about various industries (for example health, financial, property, construction), engaging your thoughts, participating in legal debate, being involved in interesting research and resolving complex factual scenarios.

You will also require good organisational skills, interpersonal skills, a good understanding of time management, (both at work and home) and of course, a passion for justice and fairness with good business acumen.
An overview of the inherent requirements of private practice

The hours

"Without question: The single biggest complaint amongst lawyers is increasingly long work days and decreasing time for personal and family life." 8
You should be prepared to work up to 60 hours a week as a lawyer in private practice. You may be required to meet client deadlines at short notice, to draft an advice or prepare for Court at short notice. You may also be required to work late nights or weekends and to have the ability to remain focused and calm under extreme pressure. In her novel The Pin Striped Prison, How overachievers get trapped in corporate jobs they hate, author Lisa Pryor (a former law graduate) discusses how “big firms seduce brilliant students into joining the corporate world, with all its perks and excesses. Crazy work hours swallow these young professionals’ lives, just as dry cleaning, taxis and take-away food swallows their large salaries. By the time they discover their work is fundamentally boring, they are usually trapped — by fear, big mortgages and the expectations of their proud parents.” 9

Marketing and practice development

Lawyers in private practice are increasingly required to participate in marketing, business development and practice development. Marketing frequently involves networking in your own time, attending seminars and lunches and after work drinks with clients.

“The novelty of Wagyu beef and obscure cheeses starts to wear off once recruits realise they are entertaining clients on their own time if not their own coin, making small talk with crusty old businessmen rather than spending time with real friends.” 10
You are also likely to be involved in practice development which involves keeping up-to-date with your competitors in the industry and developing your everyday practice to keep up with market requirements.

The billable unit

The legal profession sells time: “Money is not just incidental to practice but it is at its core.” 12
Many lawyers complain about not having control over their lives as they have to record and account for every six minutes of their working day in a time sheet (either manually or electronically) in what is referred to as the billable unit. For example, a short telephone call may only take three minutes but is disclosed to the client at the minimum unit rate of six minutes. This takes into account the time taken to access the file, review the matter in relation to the call, return the file and document the contents of the telephone call in a file note.

Most lawyers working in private practice will have a billable budget target of between five to eight hours a day. There is a huge difference between your billable target hours and the hours you actually spend at work. To achieve a billable target of seven hours it is likely that you will be in the office for about nine or ten hours per day.
You may be required to draft marketing tenders and seek meaningful feedback from your clients in order to facilitate a more competitive and/or better service. It is also likely that you will be required to give seminars to your colleagues and your clients:

“According to most studies, people’s number one fear is public speaking. Number two is death. Death is number two. Does that sound right? This means to the average person, if you go to a funeral, you’re better off in the casket than doing the eulogy.” 11

The salary

The long hours spent at the office will not necessarily be reflected in your income. In recent surveys 25% of lawyers in NSW earned under $50,000; 50% earned under $75,000; and only 15% earned over $150,000. 13

Without question: The single biggest complaint amongst lawyers is increasingly long work days and decreasing time for personal and family life.
You may not want to study law immediately, you may choose to take a break in your first year out of school to travel, pursue a hobby, earn money, volunteer, or gain skills and life experience before moving on to formal study (a gap year).

Taking a gap year from studying to do something different may help you to think about the career you want to pursue. It can also increase your skills and life experiences, enhance your understanding of a chosen field of study, and add to your future employability. For further information, see: www.year12whatnext.gov.au.
In reality you need good grades to get a position at university to study law. If you are unable to achieve high grades and are determined to study law, consider commencing an alternative degree with a view to applying to transfer to a law degree at a later stage. Alternatively, try contacting other accredited law schools and consider applying for an accredited diploma in law. You could also take a few years out, travel, pursue other career paths, and consider applying as a mature age student at a later date. (The grades required by mature age students may be less competitive, however; check the individual requirements of each accredited law school).
**Degree or Diploma**

The first prerequisites to a career in law are the intelligence, diligence and commitment to undertake and successfully complete either an accredited Diploma in Law, or a NSW accredited law degree, such as a Bachelor of Laws or Master of Laws. The accredited Law Schools in NSW are:

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<tr>
<th>NAME OF ACCREDITED LAW SCHOOL</th>
<th>DEGREE</th>
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<tr>
<td>University of Sydney</td>
<td>LLB</td>
</tr>
<tr>
<td>University of New South Wales</td>
<td>LLB</td>
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<tr>
<td>Macquarie University</td>
<td>LLB</td>
</tr>
<tr>
<td>University of Technology, Sydney</td>
<td>LLB</td>
</tr>
<tr>
<td>University of Wollongong</td>
<td>LLB</td>
</tr>
<tr>
<td>University of New England</td>
<td>LLB or JD</td>
</tr>
<tr>
<td>Southern Cross University</td>
<td>LLB</td>
</tr>
<tr>
<td>University of Newcastle</td>
<td>LLB</td>
</tr>
<tr>
<td>University of Western Sydney</td>
<td>LLB or MLP</td>
</tr>
<tr>
<td>University of Notre Dame</td>
<td>LLB or JD</td>
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Upon completion of your degree, in order to be eligible for admission to practice law, it is necessary to complete an accredited program of practical legal training (PLT).

PLT has certain ethical and professional responsibility requirements. Prior to being admitted as a solicitor you will be required to obtain two written references on your character, reputation and suitability for admission as a lawyer, including your honesty and integrity. If you have a criminal conviction or a history of unethical dealings your admission as a legal practitioner may be declined.

**How much does a law degree cost?**

A law degree is expensive. Fees range from between $3,000 to $6,000 per semester, depending on the particular university, the type of the degree and the number of subjects you study per semester. Practical legal training fees are in the range of $9,000 and can vary between institutions.

Generally speaking a law degree and the required practical legal training will cost approximately $40,000 to $50,000, not including the costs of purchasing law books or loss of salary while studying.

Law books are expensive and can cost up to $500 per semester. Second hand books are available for sale, but may contain out of date case law and/or legislation and therefore cannot always be relied upon.

If you are considering moving away from home to study, they you will also have to pay for your rental and other living costs.

**Surviving university**

“The first year [at university] they scare you to death, the second year they work you to death, and the third year they bore you to death.”

If you are fortunate enough to be accepted in an accredited course be prepared to spend a lot of time reading cases, doing course work and writing assignments. For every hour spent in class you are likely to spend two to three additional hours studying.

At university, your fellow law students are likely to be ambitious, competitive people.

“While you are reading a ridiculously priced legal textbook, having convulsions about an impending assessment and drowning in a mass of legal material – you might actually wonder why you are doing this?”

Before embarking on a law degree be mentally prepared for unachievable workloads, a 15 hour day to meet work and family expectations, attend university seminars and tutorials, do hours of reading and a part-time job if you require a source of income. Wenee Yap and Julian Ngui have written a guide on everything you need to know to survive Law School. Their very colourful and extremely informative website is written by law students for law students. It offers: “tried-and-tested tips and tricks designed to ease your way through the piled high readings, legal fictions, exams and assessments…that the study of law could lay before you”.

The law school mentors and members of the Survive Law team will even answer any questions you may have about being a law student including “in-depth advice on improving your physical and mental health and well-being.”

For more information see: www.survivelaw.com/guideintro.html.

**What is Practical Legal Training?**

The requirements for admission as a lawyer in New South Wales are outlined in rules 95 and 96 of the Legal Profession Admission Rules 2005 (Rules). The Rules outline both the academic requirements (Academic Requirements) and the PLT requirements (PLT Requirements) necessary for admission as a lawyer to the Supreme Court of New South Wales.

**The Academic Requirements**

Section 95 (1) of the rules provides that the Academic Requirements for admission are:

(1) (a) completion of a tertiary academic course, whether or not leading to a degree in law, which includes the equivalent of at least three years full-time study of law and which is recognised in at least one Australian jurisdiction as providing sufficient academic training for admission by the Supreme Court of that jurisdiction as a lawyer, and

(b) completion of courses of study, whether as part of (a) or otherwise, which are recognised in at least one Australian jurisdiction, for the purposes of academic requirements for admission by the Supreme Court of that jurisdiction as a lawyer, as providing sufficient academic training in the following areas of knowledge:

- Criminal Law and Procedure
- Torts
- Property both Real (incl. Torrens system land) and Personal Equity
- Administrative Law
- Federal and State Constitutional Law
- Civil Procedure
- Evidence
- Company Law
- Professional Conduct.
The PLT Requirements
The PLT Requirements include both structured and supervised training and workplace experience of at least 90 hours of workplace training, or 12 months (1800 hours) of closely supervised full time work as an articled clerk incorporating at least 90 hours of programmed training, or a non-award training course of at least 6 months (900 hours) in which at least 450 hours is programmed training and at least 90 hours is workplace experience.

Section 96 of the Rules provides that:
1. The practical training requirement for admission is completion of a course of practical training or articles:
   (a) which is recognised in at least one Australian jurisdiction as providing sufficient practical training for admission by the Supreme Court of that jurisdiction as a lawyer, and
   (b) which includes evidence of the attainment of competencies in the following areas:
     - Skills
       - Lawyers’ Skills
       - Problem Solving
       - Work Management and Business Skills
       - Trust and Office Accounting
     - Practice Areas
       - Civil Litigation Practice
       - Commercial and Corporate Practice
       - Property Law Practice
       - One of the following: Administrative Law Practice, Criminal Law Practice or Family Law Practice
       - One of the following: Consumer Law Practice, Employment and Industrial Relations Practice, Planning and Environmental Law Practice, Wills and Estates Practice,
     - Values
       - Ethics and Professional Responsibility.

In New South Wales you can undertake accredited programs of PLT at the following institutions:

<table>
<thead>
<tr>
<th>Name of Institution</th>
<th>Accredited Programme</th>
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<tbody>
<tr>
<td>College of Law</td>
<td>Professional Program</td>
</tr>
<tr>
<td>University of Newcastle</td>
<td>Diploma of Legal Practice</td>
</tr>
<tr>
<td>Australian National University</td>
<td>Legal Workshop (other than by the Summer Graduate Diploma in Legal Practice Program) up to 30 June 2007</td>
</tr>
<tr>
<td>University of Wollongong</td>
<td>Practical Legal Training Course</td>
</tr>
<tr>
<td>Bond University</td>
<td>Practical Training Program up to 30 June 2007</td>
</tr>
<tr>
<td>University of Technology Sydney</td>
<td>Faculty of Law Professional Program OR Master of Law and Legal Practice</td>
</tr>
<tr>
<td>University of Western Sydney</td>
<td>Graduate Diploma in Legal Practice OR Master of Legal Practice (subject to completion of professional legal placement)</td>
</tr>
</tbody>
</table>

Upon completion of the Academic Requirements and the PLT Requirements you are eligible to apply for admission as a solicitor.

Once admitted as a solicitor you may practice as either a barrister (obtaining a practising certificate through the New South Wales Bar Association), or as a solicitor and barrister (obtaining a practising certificate through the Law Society of New South Wales).

While you are reading a ridiculously priced legal textbook, having convulsions about an impending assessment and drowning in a mass of legal material - you might actually wonder why you are doing this? Unfortunately, it is likely that at some stage in your career either yourself or one of your peers will be subjected to the ‘impatient, aggressive, no time to be pleasant’ attitude that is discussed by His Honour, Justice Palmer on the next page. The aim of the following chapters are to help you identify, avoid and survive these and other similar detrimental scenarios which unfortunately are all too often faced by young lawyers in their first years of practice.
how to survive and thrive in your first year of law

“Bridging that gap into the real world of practice can sometimes be a rude awakening. Recently a very bright young law graduate got a job with one of the largest and most prestigious firms in town. He couldn’t believe his luck when he was told he was going to work directly for the senior commercial partner. He was even more flattered when the senior partner invited him to his home for dinner to get to know him better. The law graduate arrived at the partner’s palatial Harbour-side residence and was shown around. Eventually they went into the partner’s study. The young man was incredulous to see a Picasso hanging on the wall.

“Gosh, sir,” he blurted out. “That’s a real Picasso, isn’t it? It must have cost an absolute fortune!”

“It certainly did,” replied the partner, putting a paternal hand on the young man’s shoulder. “And if you buckle down to hard work, my boy, put in fifteen to sixteen hours a day six days a week, forget about having a life and give yourself body and soul to the firm, in five years’ time, I’ll be able to buy another one.”

The gap I want to talk about is the gap between knowledge and wisdom – knowledge of the techniques of the law and the wisdom necessary to be a good lawyer. In referring to wisdom I’m not referring to ethical principles of professional conduct such as are covered in Ethics courses. I’m talking about the sort of wisdom that produces a well-balanced person equipped to use the law responsibly and beneficially, a lawyer who is ultimately a contributor to the stability and good order of our society.

Why, as PLT teachers, should you have to concern yourselves with that sort of wisdom? The answer, in my opinion, is that when young lawyers start their professional lives they may well not get a chance to acquire it for themselves before they become disillusioned and burnt out – before the contributions which they might have made to the law and to society is simply lost.

Am I being a little melodramatic? I don’t think so. Just in the last month I have heard of two young lawyers who became completely disillusioned after working for a year or so in a large firm and have left the law for good. Let me give you an illustration of why this could have happened.

Recently, a former tipstaff of mine wrote to me about an experience he had at a job interview. Now this tipstaff was a very bright graduate, had done excellent work during his year as a tipstaff/researcher and should have had an easy passage into a rewarding professional career. Listen to what he wrote about an interview with a partner of a large city law firm:

I’m a busy man, I don’t have time to be nice, so if you’re looking for some sort of mentor you’ve come to the wrong place. I have high standards and I’ll hold you to them. If you don’t meet them you’ll soon know about it. If I suspect you’re not giving me 100% of your best you’ll soon know about it. Don’t expect this to be a nice place; it isn’t.

On 11 Nov. 2006, the Honourable Justice Palmer, Supreme Court of New South Wales gave the following speech to the College of Law, Sydney, at a conference on ‘bridging gaps’ in the theoretical knowledge of the law, absorbed from lectures and the study of cases in law reports, and the practical knowledge which only comes from real life experience of working in the law. In his poignant and evocative speech he correctly notes the following:
“The partner asked me what I was looking for in this job. I said that while I think I’m professionally capable, I’m still professionally young so guidance and a good feedback relationship with those senior to me is important so that I can learn the best professional practice. The partner responded brusquely: “I’m a busy man, I don’t have time to be nice, so if you’re looking for some sort of mentor you’ve come to the wrong place. I have high standards and I’ll hold you to them. If you don’t meet them you’ll soon know about it. Don’t expect this to be a nice place; it isn’t.” Not once did he laugh or smile. He didn’t even attempt to relate to me as a person. What he did ask, more than once, was whether I regarded myself as an aggressive person. As the interview progressed I realised the correct answer would have been to bare my teeth and snarl.”

Do you think that lawyer likes where he’s been to bare my teeth and snarl. He or she is always willing to help a staff. He or she is always willing to help a client in a fight. Where is the senior commercial partner of the prestigious mega-firm who says to the young graduate: the successful lawyer makes time for friends, family, relationships and interests and activities outside the law. There is no once-and-for-all formula for time apportionment amongst the pressing demands of life: each day brings its own compromises, but the successful lawyer always prefers the compromises to the surrenders. The successful lawyer has a smile and a pleasant word for the office staff. He or she is always willing to help a less experienced colleague with advice and is courteous and reasonable in dealings with opponents. Not only that, he or she looks for opportunities to use the law for more than just his or her own financial gain – in pro bono work for some cause that really excites his or her passions.

Why is that kind of lawyer successful? Because that lawyer does not have a bitterness in life which infects everything he or she does in court or in chambers or in the office. That lawyer is not always looking for an excuse to pounce on someone and bite, hoping to spread the infection of misery. Opponents like that lawyer because he or she doesn’t make unreasonable demands and is pleasant to deal with while being firm in protecting the interest of the client. Judges like that lawyer because he or she doesn’t waste time in court on silly disputes about things that don’t really matter, just for the sake of having an argument. And most importantly, clients like that lawyer and want to keep coming back because the atmosphere in that lawyer’s office or chambers always seems reassuring rather than stressful and the transactions or cases which that lawyer is handling seem to have generally successful, cooperative outcomes rather than becoming litigious nightmares in which everything goes wrong at enormous expense. There is undoubtedly a section of the legal profession which espouses a culture of aggression and self-interest. Some may say that in the legal profession aggression and self-interest have become embedded and institutionalised. You might think that, as teachers, you can do little or nothing when aggression and self-interest are so firmly embedded in the culture… The tipstaff I told you about was offered a job by the aggressive partner. He declined and I’m pleased to say he is now working for another high profile firm with a partner he says is cheerful, helpful and encouraging. After three years in practice he says he really loves being a lawyer.”

Once you become admitted as a lawyer it is likely that you have to compete to obtain your first legal position as (depending upon your location) there are usually more graduates than available positions. It may also take some time before you find a position which you find rewarding and satisfying as the above mentioned Tipstaff did.

Top tier firms tend to prefer to recruit the universities’ highest achievers and it is likely that you will require high grades both in school and at university to secure a position as a lawyer in a top tier firm. Top tier firms can receive up to 1,000 applications for each graduate position. Unless you have connections in the industry or in a particular firm (whom will personally recommended you and assist you to secure your first position) it takes much tenacity and determination to overcome these odds.

“The Big End of Town seduces and enslaves our best and brightest, to the detriment of broader society.”

Where is my young tipstaff going to learn that professional excellence does not necessarily come at the expense of personal happiness? Who would tell the young law graduate that, far more often than not, given a certain standard of intelligence, technical knowledge and application, professional excellence is far more likely to be the product of a well-balanced personal life? There are many lawyers, like the senior commercial partner I told you about, who will tell their impressionable protégés that a successful practice in the law can give you a high standard of living; it can give you kudos amongst your professional colleagues; it can give you a warm glow of satisfaction when you win a case or tie up a successful transaction. They probably won’t add that the warm glow lasts as long as five minutes – if you’re lucky. They won’t say that your legal practice is not a companion and a solace to you when you come home late every night to an empty apartment and you feel that the only way you can get through the silent hours ahead is with a drink – or two, or three, or six.

Where is the senior commercial partner of the prestigious mega-firm who says to the young graduate: the successful lawyer makes time for friends, family, relationships and interests and activities outside the law. There is no once-and-for-all formula for time apportionment amongst the pressing demands of life: each day brings its own compromises, but the successful lawyer always prefers the compromises to the surrenders. The successful lawyer has a smile and a pleasant word for the office staff. He or she is always willing to help a...
Should I get legal work experience while at university?

It is advisable to get some legal work experience whilst still at university. Try obtaining a position as a paralegal, law clerk, legal secretary or any other paid position within a law firm.

Practical legal experience (whether short or long term) will provide a realistic insight into the profession. It will also provide you with legal contacts, skills and experience which may assist you to obtain your first position as a lawyer. You will also be more employable for future legal positions and/or be able to distinguish yourself from the other applicants. Furthermore, provided you work hard and perform well in that role you will also have the benefit of a professional referee.

As well as increasing your future job prospects, work experience provides a real insight into a firm’s culture. A firm’s culture is made up of the people, the style of management and the psychology, attitudes, experiences, beliefs and values of the firm. You will also become familiar with the type of work the firm does, their clients and the number of hours you will be expected to work. If you are unable to obtain a paid legal position then try to obtain a voluntary position at a community legal centre or similar organisation.

How can I find out about legal positions?

Positions are advertised on the internet, in newspapers, city weekly magazines, on cvMail, the College of Law website, state and territory young lawyers’ mailing lists and on university notice boards. Government legal positions are usually advertised in state newspapers (e.g. The Sydney Morning Herald) or on the relevant government websites.

You can also register with online job websites so that jobs fitting your criteria are emailed directly to you. Ask your family and friends if they are aware of any upcoming suitable positions.

You can also register as a temporary or casual paralegal or legal secretary, either directly with a firm or via a legal recruitment agency.

Barristers’ chambers also hire legal clerks, receptionists and legal researchers so contact your local chambers to ask if they have any potential upcoming positions.

If you decide to contact a firm directly, research the people and the firm thoroughly before contacting them. You can research the firm by browsing their website, speaking to people who work there or by performing a Google and/or Australasian Legal Information Institute (AustLII) search to find out what cases they have been recently involved in and the type of work they do.

This will arm you with information to demonstrate that you are both keen to work at the firm and that you have a good understanding of their business.

If you are initially unable to obtain a paid legal position, consider applying for voluntary positions within community legal centres or other non-profit legal organisations. These positions usually provide excellent legal opportunities and experience. Voluntary work is an excellent way of experiencing new challenges and providing a valuable service to the community. A variety of organisations rely on volunteers and it can be a great way to build new skills and add to work experience. For more information see: www.volunteeringaustralia.org.

What is a Summer Clerkship?

A Summer Clerkship program (Clerkship) is approximately 11 weeks full-time work during the summer university holiday, at the end of your second last year at university. Clerkships are usually offered by mid to top tier law firms and they are a valuable opportunity to obtain work experience and practice law.

Some firms provide a rotation program to enable you to gain exposure and work experience across a broad range of practice areas.

Ideally you will be provided with a mentor in each rotation. Students who participate in clerkships develop a greater understanding of employment opportunities and legal experience, whilst adding detail to their resumes. A further benefit is that you may be offered a graduate or casual/part time paralegal position upon completion of the Clerkship.

When should I apply for a Clerkship?

As many firms recruit their Graduates directly from their Summer Clerks, it is wise to apply for a Summer Clerkship. To be eligible for a Summer Clerkship you must be in the second last year of your degree. If studying straight law, this will be your third year. If completing a double degree, it will be your fourth. Ordinarily, you must be in your penultimate (second last) year. The rules stipulate that you must have at least TWO but not more than FOUR whole semesters to complete in order to obtain your law degree.

Most firms advertise Clerkship positions on cvMail, an electronic application system used by law firms around the world to advertise and process applications for graduate and Clerkship positions. Make sure you look at cvMail early in the year as applications close around February/March depending on which state or country you are applying for.

Whilst a strong academic transcript is undeniably appealing to a prospective employer, marks alone are not enough to secure a Summer Clerkship / Graduate position. Participation in extra-curricular activities or work experience can give you skills that are not attainable through mere study. It is these skills that the law firm will seek to utilise.
What if I don’t get a Clerkship?
Many law students are unsuccessful in obtaining Clerkship positions as there are simply not enough places available. If you are one of the many unsuccessful candidates don’t become too disheartened. A Clerkship is not the only way to obtain legal experience.

“The game of life is a lot like football. You have to tackle your problems, block your fears, and score your points when you get the opportunity.”

If your Clerkship application is unsuccessful, contact the Human Resources department to seek feedback. The feedback you receive may assist you in improving your resume and interview technique for future applications.

Try to obtain some other form of legal work experience over the summer university holidays.

What is a Graduate Position?
Generally speaking Graduate Positions are two year positions with an opportunity to rotate through several practice groups. Ideally, a Graduate position is structured with the intention of providing you with the necessary knowledge, skills and practical experience to help you decide which area of law you most enjoy and wish to work in. If you are fortunate enough to be offered several graduate positions, consider whether the firm offers a graduate rotation, or which firm offers the type of work which you are most interested in or most suited to. Do not make a decision based purely on remuneration.

When should I apply for a Graduate Position?
This varies between firms, states and various government departments so check with the Human Resources department of the particular firm/organisation within your first few years of university so you do not miss out on a graduate opportunity. Alternatively, check the firm organisation’s website at least 12 months before you graduate.

Many firms select graduates from their Summer Clerks. If you are keen to obtain a graduate position at a particular firm, you should apply for a Clerkship to increase your chances of obtaining a graduate position.

Even if you have a particular firm in mind, stay flexible as you may discover that there are several other firms which are a suitable fit for you.

Alternatively consider commencing your career in another firm and then applying to your preferred firm once you have obtained a few years experience.

What if I don’t get a Graduate Position?
If you are unsuccessful in obtaining a graduate position there other ways of obtaining legal experience. Many firms make second round offers when graduates decline an offer or resign in the first few months or weeks. Keep in touch with your contacts in particular firms and maintain an open line of communication to ensure you become aware of positions as soon as they arise.

The game of life is a lot like football. You have to tackle your problems, block your fears, and score your points when you get the opportunity.

Judges often advertise for graduates when hiring associates, tipstaffs (tippies) and researchers. If you are interested in the Bar, this can be a great opportunity to observe court etiquette and the judiciary process. A tipstaff position can provide a valuable insight into the law from the ‘highest perch’ in the courtroom, and will be invaluable on your resume.

If you are interested in going to the Bar you may also consider working as a law clerk within barristers’ chambers. Graduates can also apply for temporary paralegal’s positions through legal recruiters. Temporary agency work is a flexible form of employment which may contain 15% casual leave loading over and above the average paralegal salaries. This ‘Contiki tour’ of the top tier firms can be an insightful experience into the firm culture and type of work within a particular firm. If you are working for an agency with a view to obtaining work at a particular firm be sure to read the agency agreement carefully as it may contain a restraint of trade clause which contractually prevents you from accepting employment directly with the firm for a limited amount of time.

If you have exhausted the legal options consider a quasi-legal job. This is a legal related job which involves advising on or working with the law, but is not necessarily in a law firm, and you are not necessary employed as a lawyer. For example, working in-house or working in insurance companies handling insurance claims or working as an insurance broker. There are also similar positions working in government agencies such as the Australian Securities and Investment Commission, Australian Prudent Regulation Authority, the Australian Competition and Consumer Commission (ACCC), the NSW Health Care Complaints Commission or one of the relevant Ombudsman organisation.

Completing a job application
When applying for a legal position always include a cover letter with your application (unless otherwise specified). Your cover letter should:

• capture the attention of the reader
• summarise your qualifications, qualifying skills and achievements promoting the aspects of your background and experience which are relevant to the position
• be addressed to the correct contact person, ensuring you have spelt their name correctly and used their correct professional title
• be concise, succinct and accurate - not more than one page
Your resume

Your resume is the first impression of you and any typographical or formatting errors are likely to deprive you of the opportunity to secure an interview. Your resume should set out your education and employment history in reverse chronological order. On the front page include brief but specific achievements that are relevant to the job you are applying for. Keep it brief with the most important information on the first page as the final third of your resume is often not read and/or absorbed in detail.

Ensure your resume is well structured and easy to read with plenty of gaps and subheadings. Use bullet points where possible. Be concise and highlight particular skills gained and previous responsibilities which relate to the particular position you are applying for.

Research the firm, review their website, be aware of their culture and values and criteria and competencies for the position and make sure that your resume and cover letter are aligned and relevant to the firm’s values and culture.

Make sure that you provide evidence of how you meet the required criteria by using specific examples drawn from your experience. You need to convince the selection panel/person that you have the necessary skills and capabilities for the job and that you are the correct match for the particular team environment. Try to discuss your achievements and accomplishments in your previous position instead of simply listing your skills. You should cite examples of situations you have faced and describe in detail your actual involvement in those situations. One successful way of achieving this is by applying the following STAR criteria:

- Situation - provide a very brief outline of the situation or setting
- Task - outline what you did
- Action - outline how you did it
- Result - describe the outcomes.

Make sure your resume is honest, bearing in mind you will be questioned on its content in an interview. Read and proofread your resume and cover letter for spelling and grammatical errors. Also ask a reliable family member, friend, colleague or fellow student to proofread your cover letter and resume to identify any errors and to provide you with constructive feedback.

Research the firm - get the real picture and match

Put every effort into your applications, and try to find a firm where the culture and the type of work suit you.

“When the powerful quality of conscious choice is present in our work, we can be enormously productive. When we consciously choose to do work we enjoy, not only can we get things done, we can get them done well and be intrinsically rewarded for our effort.”

Make sure you research the firm before accepting a position and make some discrete enquiries about the solicitors and partners you will be reporting to. This will demonstrate your enthusiasm and commitment to that particular firm and distinguish you from the other applicants by impressing interviewers with your knowledge of the firm, and demonstrate how keen you are to obtain that particular position.

Many firms have slogans, defined cultures, firm values and business plans which can be obtained on their websites. Law firms and even individual teams within that firm can vary widely in their value systems. Some firms value competitiveness, individualism, billable hours; others value employee and client satisfaction; work life balance; best people and best practice. Where possible try to secure a position in a firm whose values are consistent with yours.

It is also important to ensure that the firm’s written values are actually supported in their business operations. (Law firms may attempt to sell themselves to the most dedicated and highest achieving law graduates in order to attract them.)

When the powerful quality of conscious choice is present in our work, we can be enormously productive. When we consciously choose to do work we enjoy, not only can we get things done, we can get them done well and be intrinsically rewarded for our effort.

However, slogans and recruitment brochures are usually compiled by a marketing or human resources department which may be out of touch with the reality of an individual team or firm and the brochures and slogans may be nothing more than puffery.

If you are interested in working in a particular firm (where possible) try to speak with lawyers from that firm to ask them about their individual experiences at that firm. Your colleagues at NSW Young Lawyers may be able to suggest useful contacts and other avenues of investigation. Recruitment agents and/or friends who have worked or are currently working in the firm can also provide honest and valuable information about a firm’s actual culture, reputation and working environment.
Try to get as much information as possible about the billing requirements and what exactly is expected of you on a daily basis. For example you may be told at interview that you will be required to bill seven hours a day; however, in reality you may be expected to partake in many non-billable duties over and above the seven hour billable target, such as drafting publications, attending marketing events and functions, assisting in interviewing and recruiting graduates, and participating in pro bono work. It is important to find out whether or not these hours are considered as productive/billed hours. Or if not, whether these additional contributions are recognised, rewarded and valued within that firm, and how.

Choosing the right firm post admission

Do not choose your career path or your first firm based solely on the starting salary, as often a higher salary may be associated with greater hours at the office or involve a specialist practice area. Within private practice, the general rule of thumb is the ‘the bigger the firm, the longer the hours’.\(^{32}\) Longer hours in big firms are an immense cause of dissatisfaction to lawyers, with many lawyers complaining about not having enough time for themselves and their families.\(^ {33}\) In a smaller firm you are likely to be exposed to a wider variety of legal work and have more responsibility including carriage of your own files/matters.

“Do what you love. Do what makes your heart sing. And never do it for the money. Don’t go to work to make money. Go to work to spread joy.”\(^ {34}\)

Ideally you will secure a position in a firm with an experienced and approachable supervisor/mentor who will support you and has the time to help you develop your legal skills so that you can become a competent and successful legal practitioner. The right firm will be the one where you fit into the firm’s culture and can be yourself, however this is not always achievable. When considering whether to accept a legal position consider the following:

- Will you have any autonomy, and if so, how much.
- Will you receive a variety of interesting work.
- Will you be working in a practice area which interests you.

- Will you have opportunity for rotation into different practice areas.
- Is there genuine work life balance and flexible working arrangements.
- Will you be required to work very long hours without a clear link to performance and pay.
- Does the firm have a reputable culture and positive working environment.
- Is there a sufficient informal appraisal process in place. (A common reason new lawyers give for leaving a firm is the lack of positive or constructive feedback, or abundance of negative feedback, on performance.)
- Is there opportunity for career and professional development, including training, education (such as funding for further study), mentoring and personal development.
- The professional reputation of the person you will be reporting to, including what they are like to work for.

Your contract of employment

Before entering into a contract of employment and accepting your first legal position you should seek clarification on the following:

1. Start date.
2. Duties and/or job description.
3. The number of hours you will be required to work (keep in mind you may be told that you have to work 9-5, plus any further hours as required to meet your clients’ expectations and demands of the job. In private practice it is possible that you will spend at least 10 hours a day in the office in order to meet your billable budget requirements and the inherent requirements of the role.)
4. Rate of pay and method of pay (weekly/monthly).
5. Whether the salary offer is a package (i.e. base and superannuation combined) or a base salary plus superannuation.
6. When and if you will be entitled to a salary increase (particularly if you are paid junior rates).
7. Any leave entitlements, including maternity/paternity and long service leave.
8. Whether you will be employed on a permanent, part time, temporary or casual basis.
9. When you can expect to receive a written contract of employment.
10. Confirmation of all employment conditions in writing (including your next salary review date).
11. Which Enterprise Agreement or Award you will be working under (if any). (There is no applicable award or agreement for a lawyer.)
12. The notice requirements of both parties.

Before signing your first contract read it carefully, taking care not to sign anything you do not understand.

Do not feel pressured into signing a contract on the spot. Tell your potential employer that you want to take the contract home and that you will return the contract as soon as practicable.

If you don’t agree with a certain clause in a contract you can rule a line through the provision that you don’t agree with and place your initials in the margin.
Your salary
“Young lawyers calculate that they would earn more per hour flipping burgers, given the 60-hour weeks they regularly put in, complemented by Sunday night ventures into the office to polish off scraps of work not finished during the preceding week.”

Lawyers’ salaries vary substantially between large and small firms and between country and city firms. Mahlab Recruitment, Naiman Clarke Legal, Hughes-Castell, and Dolman conduct and publish annual career and salary surveys for the legal profession. These surveys list the legal professional salaries throughout Australia and also on an international basis.

Recent surveys have estimated that in New South Wales 25% of lawyers earned under $50,000; 50% earned under $75,000; and 15% earned over $150,000.

Larger salaries are likely to be associated with larger firms who have larger billable budgets to substantiate the higher salaries. Certain practice areas may pay higher salaries too. For example solicitors who work in Mergers and Acquisitions may be required to work long unsociable hours to liaise with international clients. Those who practice in this area of the law can demand greater salaries to account for the longer hours and higher commercial rates charged by their employers.

Awards
Graduate at Law (State) Award
A variation of the Graduate-at-Law (State) Award shall take effect from the first full pay period on or after 14 August 2009. The new total minimum rate per annum for the Graduate-at-Law (State) Award equates to $30,418.90.

Secretary / Law Clerk / Paralegal Clerical and Administrative Employees Legal Industry (State) Award
The Clerical and Administrative Employees Legal Industry (State) Award has been varied in accordance with the State Wage Case 2009. Under the federal workplace relations system, minimum wages for employees are no longer included in awards. They can now be found in Australian Pay and Classification Scales, which form part of the Australian Fair Pay and Conditions Standard. Further information, including the current minimum wage rates can be found on the Australian Fair Pay website.

Superannuation
As a general rule you are entitled to a minimum of 9% superannuation paid into a fund of your choice. However, if you are employed as an independent contractor or on a contract for services you will not automatically be entitled to superannuation.
If you have previous superannuation policies but are unsure of the name or policy number of your previous fund contact the Australian Taxation Office Superannuation Line on 131 020.

If you have had previous casual and part-time positions it is likely that you have several superannuation funds.
To do this, obtain and complete a rollover form from your current superannuation fund of choice. Rolling over your superannuation will:
• minimise the risk of you losing your superannuation
• minimise administration fees you are likely to be charged
• help you keep track of your superannuation as it is all in one place
• minimise the statements you will receive.
Obtaining a postgraduate position

Once you have graduated you may also like to consider contacting legal recruitment firms. Recruiters are paid a commission by the firms to find someone who can fill a vacant position; therefore, they do not charge you any fees. They can also be valuable sources of ‘inside’ information and if they like you, and/or think you are an appropriate candidate, being the right fit for the position, they will work very hard in selling you to the firm and assisting you to secure the position.

Do not rely solely on recruiters as the commissions for more senior positions are far more attractive than those paid for placing junior or graduate lawyers. Do not be surprised if recruiters do not take an immediate interest but persist in being listed on their books. It is useful to build a relationship with a reputable recruiter who can serve as a touchstone for salary negotiations and possible opportunities later in your career.

Be aware of being pigeon-holed. If you are unsure of the area of practice you want to specialise in don’t stay in a position you don’t enjoy for years as you will find it increasingly difficult to transfer practice areas. Legal recruiters have an unfortunate reputation for pigeon-holing candidates. While it can be difficult to jump practice areas, with persistence, it can be achieved, but you will need to go to great lengths to convince the employer of your transferable skills, capabilities and ability to meet the selection criteria.

When moving from a small firm to a large firm, some solicitors have reported that the larger firm expressed concern about whether solicitors in smaller firms receive adequate mentoring or exposure to advanced business systems. For these reasons, if you do eventually want to move into a larger firm, make sure you try and make the transition within the first two to three years of practice.

Is size important?

A bigger firm does not necessarily mean you will be a better practitioner. For example, you may be required to peruse discovered documents for 6-12 months and not receive much experience at all. However, this is not always the case as the larger firms have better administrative support and technical systems and support, all of which will increase your productivity. For example, you will have a secretary who will do the administrative non-legal tasks, a word processing department who can type your dictations and a librarian to conduct your legal research tasks.

Small firms

Smaller firms can either be generalist (as in practice in lots of areas, e.g. family, criminal, conveyancing) or boutique (specialise in one area, e.g. tax). You will often have greater responsibility, a broader range of experience and be more likely to receive advocacy experience and more client exposure in a smaller firm. You will be working in a smaller team and are more likely to receive one-on-one training. Small firms are generally less rigid and many permit lawyers to work more flexible schedules. The retention rate is greater in small firms.

You are likely to be given more responsibility and get a greater diversity of experience. Smaller firms have comparatively smaller salaries. They generally demand fewer billable hours and as a result you are likely to have more work life balance and spend fewer hours at the office.

Mid-tier firms

Mid-tier firms are the healthy median between small firms and top-tier firms. You will likely be given a higher salary than in a small firm, but may be expected to bill more hours. You will have less autonomy but the matters you work on are likely to be more specialised and complex. Mid-tier firms have many of the benefits of larger firms, such as mentoring, training and other perks, but still have a smaller, friendlier environment.

Top-tier firms

You are likely to require a degree with honours to obtain a position in a top-tier firm. However, if you don’t get high grades, once you have a few years experience or have developed a good professional reputation your grades matter substantially less when applying for legal positions.

Top-tier is generally used to describe the leading professional services firms. Top-tier firms are obviously impressive on your resume. Just because you do not initially obtain a position in a top-tier firm does not mean that you will not be able to secure a position at the firm of your choice later once you have obtained 2-3 years post admission experience (PAE or PQE), if this is your goal.

Top-tier firms will have more structure/hierarchy and may offer more training and mentoring opportunities. However, this is not always the case and you may be overlooked and/or utilised for large discovery tasks which may take up to 12 months.

Generally speaking top-tier firms pay higher salaries, require longer hours and more demanding billable budgets. You are less likely to have autonomy or responsibility for files for the first few years of your practice. Career progression may be structured and slower. The work is often more specialised; however, there may be opportunities to move practice group and practise in different areas if you request a transfer and the firm wishes to retain you.

“Why is it that so many of the smartest people in Australia get to their 30s and realise that doing everything ‘right’ has made for an existence they never really wanted? The Pin Striped Prison is a funny, frightening look at how big firms seduce brilliant students into joining the corporate world, with all its perks and excesses, and at what happens next. Crazy work hours swallow these young professionals’ lives, just as dry cleaning, taxis and take-away food swallow their large salaries. And by the time they discover their work is fundamentally boring, they are usually captives of the debts they’ve incurred to get a lifestyle that will compensate them for their life.” 30
Working in a firm is only one option for the new lawyer. Some other options are:

- Work for yourself. However, Restricted Practising Certificate (a period of supervised legal practice, usually for two years of employment and/or supervision by a practitioner with an unrestricted Practising Certificate), is required for all solicitors prior to being eligible for an unrestricted Practising Certificate to enable you to practice as a sole practitioner, partner in a law firm, or the solicitor with supervisory responsibility in a corporation or government department. Obtaining clients while competing with large firms is the most difficult aspect of this route. This option is not recommended until you have obtained at least two years post admission experience and you have obtained your Unrestricted Practising Certificate.

- Work for the government.

- Work for a corporate entity as an in-house counsel. You advise on legal matters and practice to a certain extent. You have a guaranteed client, but it’s always the same one.

- Lecture and tutor at law school. Ultimately, you can, if you have the expertise and the tenure, be elected to a judgeship. However, judges at many levels of the judiciary system are elected positions and have all the drawbacks you might expect from an elected position. Still, being a judge is widely considered by legal practitioners to be the pinnacle of the profession.

**Criminal law**

There is a division within the practice area of litigation: criminal or civil. A criminal litigator can work either for the government by representing the state (as a Crown Solicitor or public prosecutor), or representing the accused as a criminal defence lawyer.

**In-house lawyers**

Some companies employ their own legal team to work for the company rather than sending the work out to firms. This is called working in-house. The head of the legal team is usually the General Counsel and he or she will have a team of lawyers working with them. One of the advantages of working in-house is that it is unlikely that you will be required to record your time on a time sheet. The work is usually varied and can range from highly specialised, with little variety, to a whole range of commercial legal issues. In-house legal teams tend to be smaller and more close-knit. You are likely to gain an intimate knowledge of the business and often opportunities arise to move into management and more senior quasi-legal roles. A disadvantage of moving in-house early in your career, is that it may limit your future career prospects if you want to go into private practice or other fields of law.

Larger companies which use multiple panel firms can provide a path into a larger panel firm in later years. In-house is becoming increasingly popular as companies try to reduce legal costs. Increasingly large companies are keeping more interesting work in-house and where in-house teams used to act as managers of panel firms, many in-house lawyers now run matters for the company, with the assistance of external firms as required. In-house has the added benefits of company perks, such as a company car, as well as dramatically reduced working hours (compared to litigation and transactional corporate roles in private practice).

**Government positions**

Some government departments outsource their legal requirements to law firms and others have in-house lawyers. There are many benefits of working for the government including flexibility, good working hours/flexitime and a good salary. The application process is pretty nasty though so be prepared to brush up on your HR jargon and essay writing skills.

**The Bar**

You can go straight from your degree to the Bar but it isn’t advisable. As a barrister, you work for yourself so in order to make it a viable business, you need a pool of solicitors that will send work your way. It is normally best to work as a solicitor for a while and build up your reputation and client base before taking the plunge. It is great, however, in that you are your own boss so you can choose your own hours. That said, many barristers work longer hours than solicitors! It is a big financial gamble and you are likely to lose money at least in your first year and possibly longer. There is a large amount of administrative work and non-billable hours which barristers must put into their practice, including networking and developing legal knowledge that should also be taken into consideration. That said, if you are successful at the Bar, it can be very lucrative.
Your first two years in practice.
Probation

The primary purpose of probation is to allow an employer to assess an employee’s suitability for employment. It is an important tool available to help employers manage the risk that the person they employed may not in fact be capable of performing the job, or may even be the wrong personality match.41

Most firms employing new lawyers require a period of probation, typically either three or six months. During your probation period your performance will be measured against the roles and responsibilities of the position. Make sure you are fully aware of the expectations against which your performance will be measured (both job specific and more generally), including whether there is a formal appraisal program and if so, what the appraisal criteria are and when it will occur so that you can work towards achieving your appraisal goals and requirements and successfully complete the probationary period.

Your employment can be lawfully terminated, usually without notice (subject to the terms and conditions of your contract of employment) if you fail to achieve the required expectations.

Building relationships with your supervisor

Every time you work for a particular partner/supervisor, they are likely to be analysing your capabilities and your skills. It is their role as a supervisor to supervise you and (ideally) provide you with feedback on your performance including the ways in which you can improve your practice. Unfortunately, as your supervisor may be under a lot of pressure to get their own work done, this type of feedback is often lacking. A common reason new lawyers give for leaving a firm is the lack of feedback, or receiving only negative feedback on performance.

In order to avoid problems when you receive a task from a supervisor, make sure you understand exactly what is required, the facts surrounding the task, the purpose, the deadline and an approximate number of hours to be spent on the task. It is advisable to take notes when you are receiving instructions, so that when you come to complete the task (which may be some days later) you can refresh your memory as to what exactly you are required to do. After speaking with your supervisor, repeat the instructions back to them to avoid any confusion on what you are expected to do.
If you are unclear as to what you are required to do, do not be afraid to ask for further instructions. It is better that you perform the task as efficiently as possible without exposing yourself or the firm to risk. If the task is completed incorrectly, your supervisor may have to write off your time which may have an impact on you meeting your budget requirements and may ultimately affect your salary negotiations during your annual appraisal. It is better to ask your questions up front even if you feel foolish, than waste time completing the task incorrectly.

Your supervisor is human. They will have good days and bad days. If possible, try to learn the indicators of when they are having a good, bad or stressful day. Once you have worked out their idiosyncrasies, you can improve your working relationship by only approaching them at appropriate and/or convenient times, thus minimising their stress and managing both their time and yours. (This is particularly important if you are delivering bad news.) When you start, your supervisor will be observing/supervising you to see if you can be relied upon to complete tasks promptly, efficiently and accurately. It is vital to prove your trustworthiness during this time otherwise they may lose confidence in you, and be less likely to give you further work. If you gain their trust by consistently delivering a high level of quality work on time, they will come to trust your judgment and you will develop and foster a positive working relationship.

If your supervisor gives you something really unpleasant to do, do it well, do it on time and do it with a smile on your face. They are probably aware that it is difficult or unpleasant; they may even be testing you! The same goes for situations where you are questioned on your legal reasoning or work. If you can provide logical answers and demonstrate an awareness of what you have done and why, you will prove yourself to be a diligent and reliable team member. Do not be afraid to speak up and give your point of view but ensure that you provide the correct information. It is embarrassing to vehemently argue a point of view to discover you have been relying on something incorrect.

If you make a mistake, own up to it immediately so that the appropriate action can be taken by your supervisor. Ideally, research a way in which the mistake can be rectified, so that you can approach your supervisor with the mistake and the remedy. Far better to own up early, advise the client that there has been a problem, make an apology and explain what you are doing to remedy that problem rather than deal with a formal complaint to the Office of the Legal Services Commissioner. However embarrassing the short-lived humiliation, it is better than a permanent mark on your record and perhaps a civil suit for negligence.

“The public, more often than not, will forgive mistakes, but it will not forgive trying to wriggle and weasel out of one.”

You will have varying levels of supervision in your earlier years. One level of supervision is the signing of mail, faxes, emails etc. Ensure that you understand your signing authority. Other levels of supervision include regular meetings with your supervisor to check on progress of your files and/or workload. Some firms produce matter reports each month which may require you to provide a progress report to your supervisor. Some clients require written monthly status reports. Some larger clients require a particular format or style for letters and reports. Make sure you familiarise yourself with the client’s individual requests so that you can comply with their requirements and deadlines.
Your Secretary
Secretaries, receptionists, office managers and other administrative people are the backbone of an organisation. They are a valuable source of assistance and can provide useful inside information about the daily running of your team and the firm. It is also possible that your secretary will have been at the firm for many years and be very familiar with the firm’s IT and operating systems and protocol, the clients and the individual personalities and temperaments of the staff.

Secretaries can tell you how things work, how to improve and manage your work and your workplace relationships. They can also provide you with useful hints on what is expected of you and any special requirements and/or personality traits which your supervisors may have. Treat them in a professional manner at all times and with the respect and consideration they deserve.

Make sure you utilise your secretary wisely and do not abuse or overwork them. Try to place yourself in their shoes and treat them in the professional and courteous manner that you would expect others to treat you. Communicate with your secretary, ask them what tasks they can do, what their preferences are and which tasks they are unfamiliar with or cannot perform.

Be mindful that your secretary is likely to have other tasks to do for other employees. It is likely that, as the most junior, you will not be the top priority and neither will your work.

Try and plan ahead to give your secretary as much notice as possible about tasks that need doing. Be sure to give detailed, specific instructions and let them know when you need the task to be completed so that they too can manage their workloads and plan ahead. Being courteous to your secretary will reflect well on you. They are likely to provide feedback to your supervisors.

If there are problems, do not pull the seniority card, or order them about. If there is a problem, at first instance, speak with them about it, and only if absolutely necessary discuss it with your supervisor or the human resources department.

Do not rely on the secretary to do things correctly. Any work produced by your secretary is your responsibility. You are ultimately responsible if documents are incorrect or the wrong document goes to the wrong person.

When dictating or settling correspondence, ensure that the content and language are professional and that you have adhered to the firm’s policies and style guides. Check the addressee and address on the email or fax to ensure it is accurately dispatched and no privileged or confidential information is sent to the wrong person.

Make sure you check everything thoroughly as it is your professional responsibility to oversee their work.
18 TIME to make life as a lawyer a little bit easier

Meeting your billable budget

One of the most difficult challenges of being a junior lawyer is developing an efficient work system so that you can meet your billable targets and efficiently complete your tasks. This will make for a more enjoyable working life if you can finish work at a reasonable hour. This requires organisation, planning and effective use of systems and resources.

“The amount of satisfaction you get from life depends largely on your own ingenuity, self-sufficiency and resourcefulness. People who wait around for life to supply their needs usually find boredom instead.”

1 Make use of all of the resources available to you.
2 Use a Dictaphone whenever possible.
3 Delegate whenever possible.
4 Use administrative resources where possible.
5 Complete your timesheet following every task and where possible keep your clock on whilst you are working on a matter. This will avoid inaccurate time recording.
6 Prioritise tasks that cannot wait. If you have more than you can achieve in one day, do the tasks that must be completed on that day.
7 Stay focused. It pays to take a regular break. Get a coffee, take a quick walk; whatever you need to do to re-energise your body and revitalise your concentration.
8 Balance your large and small tasks on a daily basis. If you spend a whole day completing lots of little tasks on many different files, you may have worked very hard and efficiently all day, but only have a couple of billable hours on your timesheet at the end of the day. If you balance out the day with a mixture of larger and smaller tasks you will find that meeting your billable hours on your timesheet at the end of the day.
9 Balance the time units on your large and small tasks. If you are given a task, ask the supervisor how long it should take you. Once you’ve spent the allocated time on the task, tell your supervisor that it may take more time than originally anticipated and give your reasons why. This will reduce the incidence of having your time written off.
10 It is your responsibility to know the critical dates in a matter. It is also your responsibility to use a system that reminds you of them. If you have to attend court, diarise the next Court attendance in your electronic calendar, or manually in a diary which you check on a daily basis. Make sure you set a reminder to remind you of the appearance a few days in advance so you can undertake any necessary preparation.

11 Do not try to be a superhero and work around the clock. You will be tired, less productive and more likely to make mistakes. You will also be creating unrealistic and unsustainable expectations, and in the long-term, even putting your health at risk.
12 Do not take on further tasks unless you have the capacity to complete them. Only take on new tasks if you can complete them within the given timeframe. Where appropriate, tactfully say “no” and offer an alternative. If tasks are continually being rescheduled, review the amount of work you have and talk to your supervisor about it, otherwise the rescheduled task will not only become urgent but it could become a problem and end up in the “too hard basket” – a lawyer’s nightmare.
13 If you receive a new task that you are unable to immediately complete, speak to the lawyer and ask them when the work needs to be completed. If you are unable to complete the task within the timeframe, you must communicate this to your instructing lawyer so that they can delegate the task to another lawyer.
14 Plan ahead and make sure you always have enough work to meet your budget. Ideally, you will have a number of tasks in your in-tray at any one time. If you do not have enough work for the next few days, send an email to your team advising that you have capacity. It may take them a few days to find an appropriate task, so it is always advisable to plan a few days ahead.
15 Keep a ‘to do’ list, whether electronic or manual. You can use one of several strategies. For example, there is an electronic task list in Microsoft office, or you can use the Microsoft office calendar and rank your work in order of priority. You may even have a Blackberry or a calendar in your mobile phone which you may prefer to use, or use as a back up. Then allocate matters into a time frame for the day. It will not always be possible to keep to the planned timetable as unexpected matters or tasks will emerge. However, by doing this plan, at least you have some control. Transfer incomplete work to the next day’s ‘to do’ list using a similar system for review and rescheduling.

16 Work on more complex tasks when you are at your most productive. If you work less effectively early in the morning, use this time to do the non-urgent but important work. If you are a morning person and an urgent matter can wait until later in the day, deal with the more difficult matters when you are fresh. Break down complicated matters into easy to do segments. Do not procrastinate and not start a task because it appears to be too difficult. This will only increase your stress levels and increase the likelihood of you missing a valuable deadline, or worse still completing the task in a last minute panic and making a mistake.

17 It is an unfortunate fact of life that most practitioners will at some point be faced with a file they simply cannot face. When this happens the situation can feed on itself, causing more stress — the factor which may have caused the freeze in the first place. The longer the file is avoided the more difficult it can be to address. In one example, the practitioner acknowledged that they should have progressed the matter but weeks passed while the file grew colder and the matter delayed further. In many instances the practitioner watched the situation snowball to the point where it seemed impossible to be remedied. In an extreme case, after years of handling a personal injury matter a practitioner paid compensation from their own pocket rather than admit to the client they failed to lodge the matter with a court. If the file freeze is caused by other factors, take advantage of the services offered by Law Care or Bar Care. The longer you leave it, the harder that file becomes. Often, once you start what appears to be a daunting task, it is not quite as bad as you imagined. Breaking it to many little tasks can also help make it less daunting.

Look out for yourself. Review any print-out recording your time in financial reports or as a basis for billing clients to ensure that your time has been properly recorded in the firm’s records.
Should I record everything on my time sheet?

“If you follow reason far enough it always leads to conclusions that are contrary to reason.”

The answer is yes, absolutely. Junior lawyers report that they do not record all their time as they think they are spending too much time on a particular task.

However, this practice should be avoided for the following reasons:
1. You may be working very long hours but this is not evident and supervisors may assume that you are not committed.
2. The firm is not able to realistically assess how long matters take and what should be charged to the client.
3. Opportunities to remedy inefficiencies are lost.
4. Training or professional development opportunities are not recognised.
5. Inefficient delegation strategies are allowed to continue.

The only solution is to record all time spent unless you are specifically advised otherwise by your supervisor.

Finally, ensure that your time record sheets are delivered on time to the right person and/or posted to an electronic system.

Your first court attendance

Going to court for the first time on your own can be very daunting. Below are a few tips general to the various courts which may be helpful:

• Make sure you arrive at court early, as you may encounter delays in accessing the building due to increased security measures and waiting for an elevator.

• Make sure you are appropriately dressed. Magistrates/Registrars do not take kindly to casual dress in the courtroom. A suit and tie for men and a suit/dress and suit jacket for women.

• Make sure you are familiar with the file. If you are provided with a file you are unfamiliar with, skim-read the latest report on the file, the pleadings, the latest correspondence between the parties and the orders from the previous directions hearing.

• Before entering the courtroom ensure your mobile phone is switched off or on silent.

• Bow to the bench on entering the courtroom if the Judge or Magistrate is on the bench.

• Never put your handbag or umbrella on the bar table.

• Speak and address the court with a good strong voice. Try to appear confident and relaxed.

• Refer to the Magistrate or Judge as ‘Your Honour’, Registrar as ‘Registrar’. (If you are unsure, their titles can be located on the daily court list, which you can find online, or in the foyer of the court on the morning.)

• Announce yourself by saying, “My name is (surname only) and I appear for the first defendant (for example)”. If you are not yet admitted, say, “My name is (surname only) and I appear with leave for the first defendant (for example)”. If mentioning the matter on behalf of another party, simply add to the above, “I also mention the matter on behalf of the plaintiff (for example)”.

• Try to prepare consent orders before attending the court for a directions hearing.

• Make sure you stand when addressing the court or when the Judge or Magistrate is addressing you specifically and sit down when your opponent is speaking. Only one person at the bar table should ever be standing at once.

• If the next matter is called and there is no appearance, you must remain seated or at the bar table until there is an appearance by another party or the court excuses you.

• If your matter is the final matter, you should wait until the court has been adjourned or you are excused.

• In the event you are put on the spot and the Magistrate/Registrar/Judge asks your opinion or seeks instructions from you which you do not have, ask the court for an adjournment or to stand the matter down in the list so that you can obtain instructions from your instructing solicitor or your client.

• In the event that you have been given adequate notice before attending the court, we recommend that you refer to the College of Law papers.
**Appraisal**
Make a note of all your achievements as you complete your matters so that you can readily refer to them during appraisal time. You will be amazed at how much you have accomplished since you started!
Keep copies of any emails showing positive feedback from your supervisor.
Sell yourself at annual performance reviews. Most firms review employee performance at set times during the year. If you are really doing a good job, you and your supervisor will have the opportunity to note this in the review and hopefully you will be remunerated accordingly the following year.

**Supervised Legal Practice**
A period of supervised legal practice is required for solicitors with a restricted Practising Certificate. This basically means that a solicitor must be employed and/or supervised by a practitioner with an unrestricted Practising Certificate, usually for two years.

Generally, a solicitor with an unrestricted Practising Certificate is a sole practitioner, partner in a law firm, or the solicitor with supervisory responsibility in a corporation or government department.

**Gaining an unrestricted Practising Certificate**
After two years of continuous full-time supervision on a restricted Practising Certificate, you can apply to have this condition removed. Detailed information on the application process can be found in the Supervised Legal Practice Guidelines. Your application will be considered by the Law Society’s Licensing Committee. The Committee meets about 10 times a year and there are strict lodgment dates for the meetings.

**Why apply for an unrestricted Practising Certificate?**
The Law Society of New South Wales recommends that solicitors apply as soon as they qualify, regardless of their current intentions, in order to facilitate future career development. For example, lifting condition 2 from your Practising Certificate is the first step towards gaining a certificate that allows practise as a sole practitioner, partner in a firm, or solicitor on the record.
Stress Management

Starting practice can be a very stressful time in your legal career as you are developing your legal skills (including research, drafting, writing, problem solving, negotiation and communication), building relationships with clients and colleagues etc. The transition from being a law student to becoming a lawyer is huge. For example, you have to develop familiarity with:

- the uniform civil procedure legislation and other legal procedures
- the firm’s office policies procedures, politics and systems
- dealing with the people in the firm
- understanding the firm’s goals and value system.

If you aren’t coping, make sure you speak up! This goes for too much work, too much stress, or simply not coping with a difficult supervisor. Talk to someone in the human resources department or seek counselling with a member of the employee assistance program (EAP) (if your firm has one).

Nothing will improve if you don’t let someone know that there is a problem. Abuse, bullying, swearing, harassment and insults are not acceptable and should be reported. Speak up immediately so that something can be done about it, such as transferring to another team. If you are unable to have the situation resolved, it may be necessary to leave the position.

However, abstain from speaking badly of a previous supervisor when attending future interviews. It is acceptable however, and even advisable, to be completely honest during your exit interview with the firm you are leaving, provided you have a colleague who can be your professional referee.

For further information refer to Bullying, Harassment on pages 66-68.

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For further information refer to Bullying, Harassment on pages 66-68.
Without adding anything new to your life, below are some day-to-day things you can do that will significantly improve your mood and aid in stress management:

- Keep in contact with your friends and family.
- Keep doing your hobbies, playing sport, whatever it is that makes you happy. This sounds like common sense but it is surprisingly easy to get caught up with work and just forget to make time for this. You need to make sure you keep your life or you will not be happy at work and won’t be rested enough to do a good job.
- Get enough sleep, eat a balanced diet and drink plenty of water – three small things that can make a big difference to how you feel during the day and how you work. Practising law is hard enough without disadvantaging yourself by being tired and dehydrated.
- Leave the office at lunch. Unless you have something that just cannot wait another minute, leave the office and take your full hour lunch break. If you stay in and work through thinking you can leave earlier, it won’t happen. Take the full hour, recharge, get some air and you will come back more productive and do better quality work.

Maintaining control of stress has the following benefits:

- You feel calmer and more relaxed.
- You react to stressful events with greater control.
- Your sleep patterns improve.
- You have a greater sense of well-being.
- You feel less anxious.
- You have a sense of fulfillment and purpose.
- Your self-confidence improves.
- Your work quality and efficiency improves.

In order to manage and control stress you need to learn to recognise when you are becoming stressed and how to control it.

Time management can help to reduce and control stress. Effective stress management involves learning to set limits and saying “no” to activities or work that you really do not have time to undertake.

Regular exercise can reduce your physiological reaction to stress. It also strengthens your heart and increases the blood supply to it, directly affecting your vulnerability to heart disease.

Techniques for stress management may include some of the following:

- Meditation
- Deep breathing
- Relaxation techniques
- Exercise – for example walking, boxing, Pilates, yoga, swimming
- Aromatherapy
- Avoiding alcohol and other drugs
- Natural medicine
- Time management
- Listening to certain types of music, particularly New Age music, classical music, or whatever music helps you to relax.

Small to moderate levels of stress can motivate you into action and increase your productivity. The pressures and demands may assist in meeting deadlines and help keep you motivated and interested in your job, making the day go quicker.

“Do not be anxious about tomorrow, for tomorrow will be anxious for itself. Let the day’s own trouble be sufficient for the day.”

Research from Harvard University shows that work stress is as harmful to health as smoking or not exercising and don’t think you are doing your boss a favour by putting up with it. Too much pressure can have a negative impact on your productivity and your health. High levels of stress over long periods of time can lead to feelings of anger, nervous related conditions, elevated blood pressure, headaches, heart disease, digestive problems and strokes. It may also intensify symptoms in diseases that have an auto-immune component, such as rheumatoid arthritis, and affect headaches and irritable bowel syndrome. There are now suggestions of links between stress and cancer, not to mention decreased productivity and greater workplace errors.
The link between stress and heart disease is well-established. If stress is intense, and stress hormones are not ‘used up’ by physical activity, our raised heart rate and high blood pressure put tension on arteries and cause damage to them. As the body heals this damage, artery walls scar and thicken, which can reduce the supply of blood and oxygen to the heart.

Stress has also been found to weaken the immune system, which explains why we catch more colds when we are stressed. Stress is also associated with mental health problems and, in particular, anxiety and depression. Here the relationship is fairly clear: negative thinking associated with stress also contributes to mental health issues.

When under pressure, some people are more likely to drink heavily or smoke as a way of getting immediate chemical relief from stress. You may have so much work to do that you do not exercise or eat properly. You may not make time to see your friends or more importantly visit the doctor or dentist when you need to. You may cut down on sleep, or worry so much that you sleep poorly. All of these factors are likely to be harmful to health.

**Burnout**

Burnout is a very real threat to people in challenging and stressful jobs. The feelings of tiredness and disillusionment that come with burnout, causing great unhappiness, can spell the end of otherwise promising and emotionally rewarding careers.

Where excessive workload is the problem, review your management of time and delegate tasks to other people where you can. Consider whether you are being too accommodating or trying to be a superhero. Let your mentor/supervisor know that you have too much work to do. Politey turn down new work that is offered to you. Improved assertiveness may help you do this in a positive way. It is important to learn to say “no” to commitments that you do not have time for.

It is best to deal with burnout at the onset rather than compounding the problem by just trying to “push through it”. Utilise the support systems around you to minimise your extra workload. Also talk to family or friends and discuss strategies for dealing with the problem. If you have saved up some annual leave, look at taking some time off. Even taking unpaid leave may be a better option than continuing to work and making the problem worse. Some law firms provide Employee Assistance Programs which offer free confidential counselling. If yours doesn’t, the Law Society provides some alternatives.

**Where to Go for Help**

The Law Society recognises that your profession often puts you under enormous pressure. LawCare gives you and your immediate family members access to a professional counsellor for strictly confidential advice on personal or emotional issues that may be interfering with your work performance or family life. Initial assessment and referrals by phone are free of charge. Costs will only be incurred for face-to-face consultations and much of this can be claimed back through Medicare or private health cover for clinically relevant medical conditions. To speak to a professional, call 0416 200 788.

**Depression and Other Mental Related Illness**

“I have been on this road for a long time now. At times it seems like the road is never gonna end. On this road there’s a lotta hills and mountains, peaks and valleys, even a lot of potholes on this road. It’s never smooth, on this road of life.”

A study conducted on the general population shows that 6.3 per cent suffer, or have suffered, from depression and associated symptoms such as anxiety. A sample study of 7,551 professionals showed the same result for an astonishing 15.2 per cent of lawyers. This is more than double!

**How Can I Distinguish Depression from an Occasional ‘Down’ Mood?**

Depression is a common experience. We have all felt ‘depressed’ about misunderstandings in our relationships with friends and family, missing a deadline, or being spoken to in a harsh manner. Sometimes we feel down for no discernable reason at all. To determine whether you are actually suffering from clinical depression, you should check whether:

- the mood state is severe
- it lasts for two weeks or more, or
- it interferes with your ability to function at home or at work.
Signs of a depressed mood include:

1. Lowered self esteem (or self worth).
2. Changes in sleep patterns, insomnia or broken sleep.
3. Changes in appetite or weight.
4. Less ability to control emotions such as pessimism, anger, guilt, irritability and anxiety.
5. Varying emotions throughout the day, for example, feeling worse in the morning and better as the day progresses.
6. Reduced capacity to experience pleasure: you can’t enjoy what’s happening now, nor look forward to anything with pleasure.
7. Hobbies and interests drop off.
8. Reduced pain tolerance.
9. You are less able to tolerate aches and pains and may have a host of new ailments.
10. Changed sex life: absent or reduced.
11. Poor concentration and memory: some people are so impaired that they believe they have a cognitive impairment.
12. Reduced motivation: it doesn’t seem worth the effort to do anything, things seem meaningless.
13. Lowered energy levels.
If you display several of the symptoms described on the previous page, they persist on a daily basis for two weeks or longer and interfere with your ability to manage at home and/or at work, then you might benefit from getting an assessment by a skilled professional.

Having one of these symptoms, by themselves, is unlikely to indicate depression. However, there could be other causes which may warrant you seeking a medical opinion.

If you would like more information on depression and anxiety there are many organisations that provide free and confidential information and assistance.

**Beyond Blue** provides comprehensive online information on signs and symptoms of depression and anxiety. Their website address is [www.beyondblue.org.au](http://www.beyondblue.org.au) or you can contact their information line on 1300 224 636 for the cost of a local call.

There are also resources more specifically for lawyers such as the Mental Health Link, which can be accessed at [www.mhl.org.au](http://www.mhl.org.au).


**Youth Depression – NSW Health** – Young people who are depressed can feel down, worthless, tired and irritable, hopeless, angry and even suicidal. They may find it hard to sleep, eat regularly, concentrate or control their moods and can stop enjoying things they usually like. If this lasts for longer than a couple of weeks, it is time to get help. Read More at [www.health.nsw.gov.au/topics/youthdepression.html](http://www.health.nsw.gov.au/topics/youthdepression.html).

**The Tristan Jepson Memorial Foundation (TJMF)** aims to decrease stress, disability and the causes of depression and anxiety in the legal profession. Their website is [www.tjmf.org.au](http://www.tjmf.org.au) and has a number of online resources that highlight activities, research and initiatives which are related to depression. TJMF also hosts the annual Tristan Jepson Memorial Lecture in September, which is a forum for the legal community to discuss depression and other mental health issues within the profession.

**e-mental health research & development** – e-hub is an initiative of the Centre for Mental Health Research at the Australian National University. e-hub develops and evaluates websites that deliver psycho-education and psychological interventions for common mental health problems, as well as clinical and consumer networking. A range of the e-hub’s projects have explored the importance and quality of health information on the Internet, and the use of the Internet for disseminating public health information on depression.

Read more at [www.ehub.anu.edu.au](http://www.ehub.anu.edu.au).

**e-couch** – e-couch provides evidence based information about emotional problems (including depression and anxiety disorders) and teaches strategies that may help you to prevent problems and to understand yourself better.

Go to [ecouch.anu.edu.au/welcome](http://ecouch.anu.edu.au/welcome) for more information.

**MoodGYM** – MoodGYM is an innovative, interactive web program designed to prevent depression. It consists of five modules, an interactive game, anxiety and depression assessments, downloadable relaxation audio, a workbook and feedback assessment. Using flashcards, diagrams and online exercises, MoodGYM teaches the principles of cognitive behaviour therapy – a proven treatment for depression. It also demonstrates the relationship between thoughts and emotions and works through dealing with stress and relationship break-ups, as well as teaching relaxation and meditation techniques.

Go to [moodgym.anu.edu.au/welcome](http://moodgym.anu.edu.au/welcome) for more information.

**BluePages** – BluePages provides information about depression for consumers. BluePages is produced by the Centre for Mental Health Research at the Australian National University. Regular feedback is sought from the BluePages Advisory Board and from consumers. BluePages is one of a kind – it provides users with the highest quality scientific evidence on interventions for depression plus consumer perspectives and understanding.

Go to [bluepages.anu.edu.au/home](http://bluepages.anu.edu.au/home) for more information.

**Blueboard** – Blueboard is an online community for people suffering from depression or anxiety, their friends and carers, and for those who are concerned that they may have depression or anxiety and want some support. We hope that this bulletin board will enable people to reach out and both offer and receive help. The main thing we want you to know is that you are not alone! Go to [blueboard.anu.edu.au](http://blueboard.anu.edu.au) for more information.

If you are worried that you may be depressed and wish to speak to a person experienced in dealing with lawyers, **LawCare** is very helpful. Go to [www.lap.com.au/distress](http://www.lap.com.au/distress) for further information.

**The Lawyers Assistance Program (LAP)** helps practitioners in distress. It’s a discreet service that allows lawyers to discuss their problems, in confidence, with the program coordinator who may subsequently refer them to an appropriate agency or scheme, including LawCare. This service is not just for depression. If you have lost a loved one or suffered a traumatic experience, this service aims to prevent these problems being exacerbated, and to reduce the risk of impact on yourself, your family, your partner and your clients. If you are in distress, or are aware of a colleague in distress, you should contact the coordinator on 1800 777 662 or visit [www.lap.com.au](http://www.lap.com.au) for further information.

Many law firms and companies now have **Employee Assistance Programs (EAP)**. Firms or companies employ an independent company to provide free telephone counselling services to their employees. These services are confidential and the only information provided to your employer is statistics on the rate of use of the service as a whole by its employees. New starters are usually provided detailed information provided to your employer is statistics on the rate of use of the service as a whole by its employees. New starters are usually provided details of the company’s EAP in their welcome materials. Don’t let it become so unbearable that it ends up affecting your personal life or damaging your health.

It is more embarrassing to have to quit your job, lose your Practising Certificate due to lack of fitness or be admitted to hospital, than it is to call up or visit someone and just say that you have been feeling low.

If you are feeling suicidal it is very important to seek immediate help, preferably with a mental health practitioner.
Substance abuse

“The problem with drinking wine from a glass that won’t empty is that by 9.30 you’re pretty pissed. That’s when you start doing things you wouldn’t ordinarily do. Like telling a group of clients that you could have handled a particular case a lot more expertly than one of the senior partners had. Like telling another client that he should stop sending work to a particular partner who is, in your opinion, a fool and instead send work to you because you, in your opinion, are not.”

Drug abuse, particularly alcohol abuse is relatively common in the legal profession compared to other professions. A recent survey of various professions has found that lawyers are the most likely to suffer depression and use drugs and alcohol to manage depressive symptoms. Complaints to the Office of the Legal Services Commissioner about practitioners alleging misconduct because of substance abuse form only a small number of the total complaints and these types of complaints are difficult to substantiate. However, it is worth noting that complaints in this area come not only from clients but from professional colleagues, or in some instances from practitioners who take over files from others whose apparent problems have impacted on the service they provided.

If you find you are using drugs to stay awake to work longer, to calm down or have fun, this is not normal and could result in the end of your legal career if you let it continue. The same is true if you are drinking excessively to relax after a hard day at work. It is not normal to drink every day or get drunk regularly to relax. This will end up affecting your work, your health and your relationships.

The use of alcohol or drugs may not only involve unlawful behaviour but may also have a serious and detrimental effect on your career. It is vital that you acknowledge the problem and seek help to resolve the problem.

The Law Society offers the LawCare and Lawyers Assistance Program (LAP) as described on page 63.

You can also contact Alcoholics Anonymous (AA); a fellowship of men and women who share their experience, strength and hope with each other as they solve their common problem and help others to recover from alcoholism. You can contact them on their 24-hour helpline on (02) 9799 1199.

Equal opportunities and discrimination

Equal employment opportunity (EEO) means that everyone should have fair and equitable access to jobs, employment conditions, training and promotional opportunities. The EEO is consistent with the principle of merit.

All workplaces should have policies and procedures to ensure equal opportunities for employees and a formal policy to ensure that no firm member is subject to discrimination or harassment.
BULLYING

Workplace bullying causes significant damage to an employer as well as the victim. Bullying can be defined as the persistent use of offensive behaviour which gradually undermines a person’s self-esteem and confidence.

A bully is defined in the Concise Oxford Dictionary as “a person who uses strength or power to coerce others by fear” and that to bully is to “oppress, persecute, physically or morally by (threat of) superior force.”

Examples of bullying behaviour include unfair and excessive criticism, publicly insulting victims, ignoring their point of view, constantly changing or setting unrealistic work targets and undervaluing their efforts at work.

Whilst bullying does not include constructive criticism of behaviour or performance by managers or supervisors, it should be recognised that such criticism can often be used as a way to further undermine the confidence of a person who is already under the cumulative effect of harassment and that such poor performance may well be a direct result of that harassment.

Bullying can result in anxiety, headaches, nausea, sleeplessness, skin rashes, irritable bowel syndrome, high blood pressure, tearfulness and loss of self-confidence.

SEXUAL HARASSMENT

Sexual harassment is defined as “unwanted conduct of a sexual nature.” Conduct can be in the following forms:

- staring or leering
- suggestive jokes / comments / posters / emails / magazines / screensavers / calendars (of a sexual nature)
- sexual insults or taunts
- unwanted requests to go out
- requests for sex
- unwelcome touching.

It need only be one instance of any such conduct.

WHAT CAN I DO IF I AM, OR SOMEONE I KNOW IS, BEING SEXUALLY HARASSED?

- Start keeping a diary of events.
- Inform your supervisor / manager.
- Inform the Human Resources Department.
- Contact the Human Rights and Equal Opportunity Board by phone, letter or email for advice (within 12 months).
- Contact the NSW Anti Discrimination Board (within 6 months).

67

66
If you feel you are being singled out or bullied at work, you should not put up with it. Firstly, speak to the bully. A direct approach is usually the best. Tell the person that you find his or her behaviour unacceptable and ask them to stop. This is sometimes all that is needed. Bullies do not like being confronted particularly by someone who is calm and civilised. The majority of bullying goes on behind closed doors. So tell a friend or work colleague. You may find out you are not the only one who has suffered. It is important that you do not try to cope on your own.

You can tell your mentor or the Human Resources Department what has been happening. This should be in confidence and you can make it clear that you do not wish to make a formal complaint (if you so choose). They should want to have the bullying stopped quickly and quietly and can go with you to speak to the bully, or see them on your behalf. They will also help you with a formal complaint, if it goes that far, giving advice and support throughout the procedure.

Keep a diary. This will give a vital record of the nature of the bullying and when it occurred. It will be important when the bully is confronted. Many of the incidents may appear trivial in isolation so it is important to establish a pattern over a period of time.

Tell your manager or supervisor. If one of them is bullying you, go and tell their manager. Take your diary with you to back up what you have to say. They may not believe you but at least you have told them there is a bullying problem. The more people who know, the more difficult it is for the bully to flourish.

In the end you may have to make a formal complaint and go through the grievance procedure. If you do take this route, never go to a meeting connected with the complaint without someone you trust as a witness.

The Law Society’s ethics advisory service provides solicitors with practical and confidential advice to resolve ethical dilemmas and to help avoid complaints from clients or colleagues. Typical issues involve conflict of interest, duties to colleagues, termination of retainer, confidentiality, communications and undertakings.

To access this service, call 9926 0114 or email: ethics@lawsociety.com.au.
How do I resign from my job?

Do NOT burn your bridges. If you do decide to leave a firm, do everything possible to leave on good terms. The legal community is small and you should do everything possible to leave a job with dignity and decorum. After all, you may require a good word to assist in securing your next dream job. Even if you dislike your supervisor or workplace make sure you give the proper notice as required in your contract of employment. Be professional and courteous and thank them for the experience you have gained. Do not insult your previous supervisor, spread gossip or get angry and walk out. If you have not enjoyed the experience, keep it to yourself. No need to be unprofessional by speaking negatively about your firm or employer. This sort of behaviour may come back to bite you. If your employer holds “exit interviews” you can always off-load there, but remain business-like and rational in your criticism.

Drafting your resignation letter

The letter should include the date your resignation is effective, the role from which you are resigning from and the date of your last day. Refer to the notice provision in your contract or the award that relates to your role.

A sample resignation letter would read something like:

“Dear (manager’s name),

I hereby tender my resignation from my role as a junior solicitor at X & X Lawyers. My resignation is effective from today. As per my contract, I am providing X & X with 4 weeks notice. My last working day will be (fill in the date).

Yours sincerely,”

Don’t forget to date the letter. Depending on your personal feelings, you might want to add a paragraph or two before signing off. If you have valued your time with the employer, learnt a lot, made friends and enjoyed yourself, say so in just a paragraph or two.

If you want to ‘soften’ the letter then add a touch here and there. For example, “Dear (manager’s name),

It is with sadness/regret that I write to you to tender my resignation from my role as junior solicitor in the insurance division at X & X Lawyers.

I have enjoyed the role and the people very much and will always have fond memories. My resignation is effective from today. As per my contract, I am providing X & X with four weeks notice. My last working day will be (insert the date).

I wish you, the team and everyone at X & X all the very best for your continued success.

Yours sincerely,”

If you are happy in your role but leaving to pursue a better opportunity then use one of the softer openings.

In any event, if you respect your manager, you will have dropped by his or her office to break the news in person and explain the reasons why you are leaving. The letter should be more for HR purposes. Even the most confident and well-adjusted manager can take a resignation personally so if your manager becomes defensive, show some empathy. Keep the conversation friendly. For those that like their employer and colleagues, spend a paragraph or two of your resignation letter talking about the positives. Recall the opportunities the company provided, the things you learnt – that sort of thing. It’s fine to add a personal detail about how much you enjoyed working with everyone as well. End the letter with best wishes for the company’s future and give as much notice as you can.

“Heroes know that things must happen when it is time for them to happen. A quest may not simply be abandoned; unicorns may go unrescued for a long time, but not forever; a happy ending cannot come in the middle of the story.”

“...Solicitors, bankers and associates are discovering that corporate life is not all that was promised in the glossy recruitment brochures.”
FURTHER RECOMMENDED READING

Fictional
Kinsella, Sophie, *The Undomestic Goddess*
Courtney, Polly, *Golden Handcuffs*
Grisham, John, *The Partner*
Grisham, John, *The King of Torts*
Lee, Harper, *To Kill a Mockingbird*
Blachman, Jeremy, *The Anonymous Lawyer*
Knight, Dominic, *The Disco Boy*, (A novel by one of the guys behind *The Chaser*)

Non-Fictional
Bronson, Pro, *What Should I Do With My Life?*, Vintage, 2004
Sher, Barabara, *I Could Do Anything If Only I Knew What It Was*, Bentam Doubleday Dell Publishing Group, 1994
The aim of this nutshell guide is to expose the media contradictions and dispel the public perceptions that the practice of law is glamorous, interesting, highly prestigious, and well paid.