

2ND EDITION

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

THE LAW SOCIETY OF NEW SOUTH WALES
youngLAWYERS

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SURVIVE
— & —
Thrive

IN YOUR FIRST YEAR OF LAW

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**How To Survive And Thrive
In Your First Year Of Law**

Second Edition

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FOREWORD

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.



RICHARD BEASLEY SC

Barrister, Level Nine Wentworth Chambers

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'.

INTRO- DUCTION

INTRODUCTION

The aim of this guide is to assist law students in forging a career in the law and provide valuable guidance for their first years of practice.

Depression is unfortunately alarmingly high among young lawyers, compared to the general population. Therefore, a key component of this guide is to provide information on this very important issue.

We would like to give special acknowledgement to everybody that had involvement into the first edition of 'How to Survive and Thrive' – NSW Young Lawyers Civil Litigation Committee, Natalie Mason and Kathryn Millist, who initiated and drafted the first guide Johnathan Adamopoulos, Michael Bacina, Natalie Karam, Stephen Lee and Lexi Rosenwax, who assisted with editing and designed by Raubinger Visual Communications.

The second edition of the guide was updated by the members of the Executive Council and designed by Michael Nguyen.



PROFESSIONAL DEVELOPMENT

Continuing Legal Education
Seminars and products
Business skills



INFLUENCING THE LEGAL PROFESSION

Submission writing
Involvement in industry round table discussions
Interaction with Law Society parent committees
Practitioners Guides



MEMBER ENGAGEMENT

Leadership opportunities
Communication
Smooth transition between NSWYL membership to The Law Society of NSW
Mid Year and Annual Assemblies



SOCIAL EVENTS

Golden Gavel
Young Professionals Ball
Sports Days
Trivia Nights



COMMUNITY FOCUS

Civic Education
Mental Health
Annual Charity focus
Pro bono activities
Volunteer work
International and local projects



PERSONAL DEVELOPMENT

Networking
Career advice and services
Career transitioning
Mentoring program
Soft skills training

WHO IS NSW YOUNG LAWYERS?

NSW Young Lawyers is Australia's largest collective group of active, innovative and dynamic young lawyers, supporting the aims of our members through training, information sharing and networking opportunities.

8 SIMPLE WAYS TO BECOME AN ACTIVE MEMBER

- 1 Subscribe to one (or more) of our committee email list
- 2 Attending monthly meetings (optional)
- 3 Attend committee organised events
- 4 Implement projects for the profession and community
- 5 Contribute to publications and practitioner's guides
- 6 Participate in the Law Reform process by contributing to submissions
- 7 Network with like-minded members
- 8 Leadership opportunities

OUR COMMITTEES



Animal Law



BushWeb -
Regional Issues



Business Law



Civil Litigation



Continuing Legal
Education (CLE)*



Communication, Entertainment
& Technology Law



Criminal Law



Environment &
Planning Law



Family Law



Human Rights



International Law



Property Law



Public Law &
Government



Taxation Law



Special Committee of
Law Student Societies*



Workplace &
Safety Law

* Special Committee



A DAY IN THE LIFE...

The reality of legal practice in the style of Bridget Jones

8:00

Leave for work feeling energised, confident. Yesterday managed to soothe clients, appease opposing Council and impress partners at work. Practice will now operate as efficient, well-oiled machine. Only nagging issue is opinion letter, which is two weeks late. Two weeks is not very long, anyway opinion has been researched, well mostly researched. Must simply look up a few more cases put thoughts into writing. Very easy will be finished by 10.30 am at the latest.

8:45

Arrive at work, listen to repeated voice mail messages from disgruntled client, review two letters from angry opposing Counsel. Note that senior lawyer has entirely redrafted the letter I wrote, learnt that Court of Appeal did not accept bundles because pages numbered in improper manner. Feel dismal and deflated. Stare out window. Consume engineered food bar for breakfast.

10:30

Have spent last hour returning voice mail messages. Will start opinion letter now, will be finished by noon, no problem.

12:00

Opinion letter not finished. Cannot decide whether to address client by first name. Must go to aerobics class at 1pm to relieve stress and promote fitness. Have missed last seven classes because of work, no job is worth sacrificing my health. Must go to Aerobics class.

14:00

Missed aerobics class because of minute meeting with very important new client. Am introduced as junior lawyer who will be working on the file. Client amazed, asked how such a young girl can possibly be lawyer. Grin frantically while trying to think of charming but assertive response. Saved by senior lawyer, who steps in to sing my praises as top notch organiser of discovery documents. (After all hard to justify junior lawyers fee if client believe she is merely the coffee and copy girl) Client promises to send over 57 boxes of documents straight away.

16:00

Came out from hiding spot behind the 57 boxes of documents. Inform senior lawyer that despite my numerous emphatic promises, opinion letter is not quite finished. Explain that the warranty issue has turned out to be more complex than originally thought. Babble on about complex law of warranty generally. Pause awkwardly, Senior lawyer stared blankly then says It's not a warranty, it's a guarantee. Am incompetent cannot be proper lawyer.



15%



16:45

Telephone call from opposing Counsel, requesting adjournment, remind opposing Council that this is fourth such request point out that I had once asked for indulgence and been denied thus causing me to work inhumane hours. Opposing Counsel appalled by my disrespectful attitude, says it is contrary to Rules of Professional Conduct. Am cruel and possibly unprofessional person, cannot be proper lawyer.

16:45

Opinion letter not finished. Cannot decide whether to address client by first name. Must go to aerobics class to relieve stress and promote fitness.

20:30

Last remaining non-lawyer friend calls to ask whether I got tickets to upcoming show as promised. Pause. Consider how to get out of promise. Speak with bright bossy tone: Yes Yes I did assume responsibility for that matter. However you undertook to advise me as to whether we would be joined by third parties. As that undertaking was left unfulfilled. I reasonably believed that my responsibilities had been waived. Friend disgusted hangs up feel pang of guilt, feel pang of emptiness because once vibrant social life has died. Stare out of the window. Decide pangs are related to hunger. Consume engineered food bar for dinner. Read back issues for lawyer's weekly.

20:30

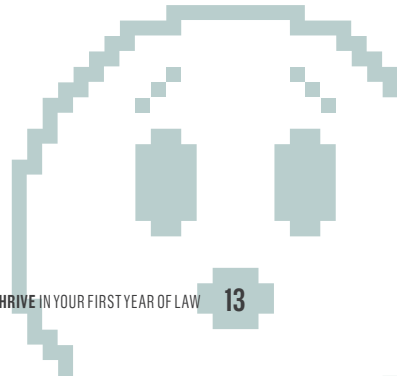
Must complete opinion letter. Will not under any circumstances leave work until opinion letter is beautiful finished product.

22:00

Must complete opinion letter. Will not under any circumstances leave work until opinion letter is beautiful finished product.

23:00

Opinion letter almost done. Have written succinct introductory paragraph and set out convenient headings. Now must just insert actual opinion. Could work until 2am to get it done. Much better, though to arrive very early next morning when mind will be fresh and rejuvenated. In fact going home is in client's best interest as surely I will work more efficiently tomorrow. Take taxi home realised I have forgotten office password for credit charge. Must pay driver with change. Driver annoyed, refused to give receipt.





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

THE MISMATCH BETWEEN EXPECTATION AND REALITY

Despite their legal setting, shows like *Boston Legal*, *Rake* and *Suits* focus on unrealistic, dramatised court hearings and the romantic and personal lives of the main characters.

You daydream of the day you will be a hot shot prestigious, highly regarded, corporate lawyer with an ocean front property and a happy family life.

You've seen *Boston Legal*, *Rake* and *Suits* and you think that being a lawyer may be the perfect career for you—glamorous, interesting, highly prestigious, and well paid. Oh and of course there's the sexual appeal and success demonstrable by Cleaver Green. Right?

Being a lawyer is not as glamorous or exciting as portrayed by TV shows or films such as *A Few Good Men* or *The Firm*. These 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..."¹

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.²

Working as a lawyer involves the practical application of legal precedents and theories to resolve and negotiate legal problems. You rarely get to be a hero.

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 organising case files. Unfortunately, no one gets to be Atticus Finch except Gregory Peck".³



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...”⁴

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 expos 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. My Future 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.⁵

Certain companies and professions (including law) will request a copy of your academic transcript and confirmation of your Universities Entrance Rank 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.⁶

“It stands to reason that they will excel at that which they want to study. Applying for a course with a lower cut-off than the UAI they achieved is not a waste of a UAI.”⁷

Don’t be persuaded to study (or practise) law just because you obtained a high

entrance rank and felt pressured by your family and/or peers to study law, or because you exceeded the requisite cut-off for the course of your choice. Choose a course in which you are interested. Even if you have completed your course, think about what you want your next move to be. We all having long working lives, ones which take many different turns.

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, finance, 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. Attention to detail and a thick skin is key to surviving and thriving—if you don’t have it, you will need to learn it.

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 anticipate your employer expecting you 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.

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 the average person, if you go to a funeral, you’re better off in the casket than doing the eulogy.”¹¹



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 must practise honestly and ethically, which means billing only the time you spend working directly on matters for clients. Some of your working day is likely to involve non-billable work. For example, some insurance clients will not pay for internal meetings, internal emails or time spent receiving instructions from your supervisor. Other non-billable requirements include marketing and practice development, learning and development, research, making numerous amendments to letters or reports or reading a

file to familiarise yourself with the facts and issues. What constitutes billable and non-billable work will vary between individual firms and clients so always check with your supervisor.

Junior lawyers in larger firms often work for a number of solicitors and partners who are likely to make competing demands on their time, and you will be less likely to be able to successfully plan and manage your time and your work in order to achieve your billable targets without having to work back after hours.

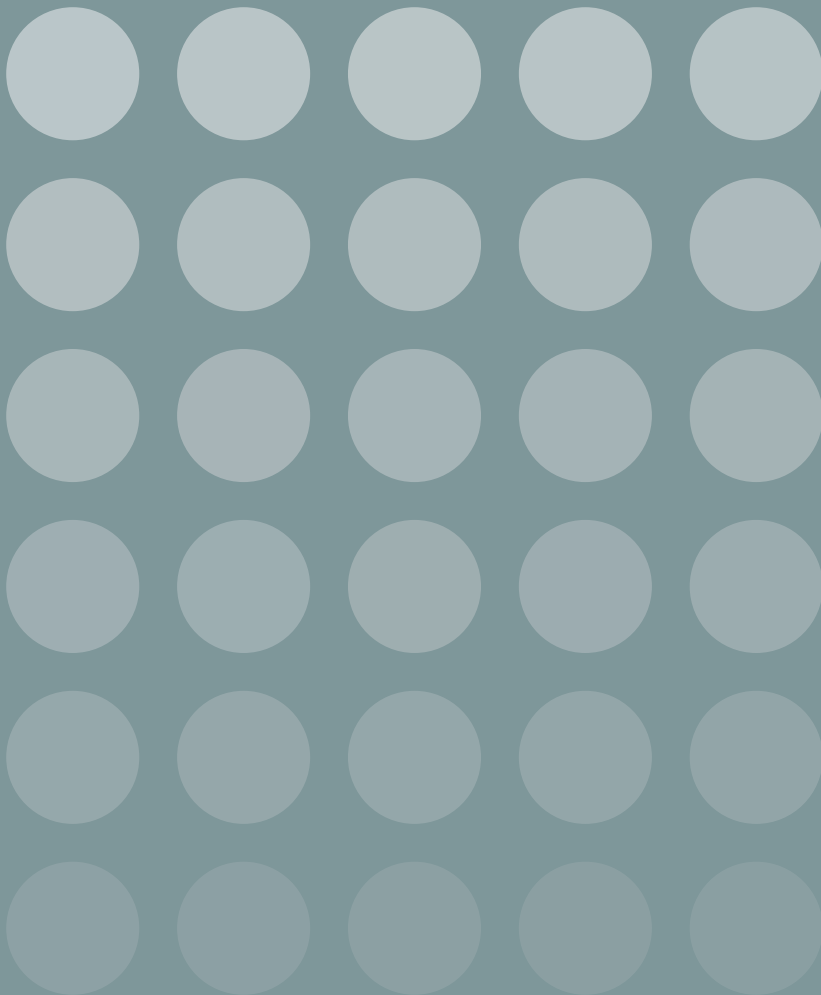


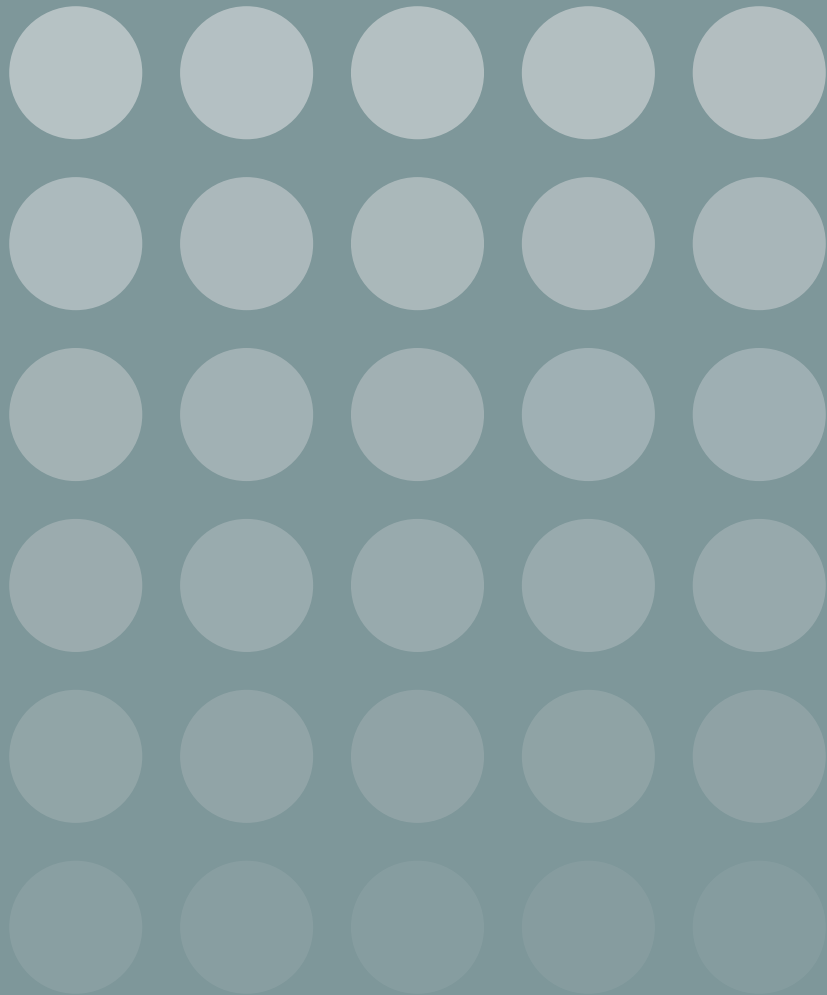
The Salary

In 2013 Mahlab released the ‘Survey 2013 – Harder Faster Smarter: The New Competitive Regime’ which set out various salary ranges. It reported that in:

- **Sydney** – the mode salary for:
 - Graduates was \$73,000 in top tier firms, \$65,000 in mid tier firms and \$55,000 in boutique firms; and
 - First year lawyers was \$76,000 in top tier firms, \$73,000 in mid tier firms and \$60,000 in boutique firms;
- **Melbourne** – the mode salary for first year lawyers was \$75,000 in top tier firms, \$73,000 in mid tier firms and \$52,000 in boutique firms;
- **Brisbane** – the mode salary for first year lawyers was \$71,000 in top tier firms,
- **Perth** – the mode salary for first year lawyers was \$78,000 in top tier firms;
- **Adelaide** – the mode salary for first year lawyers was \$75,000 in top tier firms was \$58,000.¹³

Be prepared to work up to 60 hours...





...a week as a lawyer in private practice

How to survive and *thrive* as a
LAW GRADUATE



TAKING A

GAP YEAR

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.

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In reality you need good grades to get a position at university to study law

STUDYING 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).

Before embarking on a law degree it is important to be mentally prepared for significant workloads, 15 hour days 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.

STUDYING LAW

Degree or Diploma⁴

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 an accredited law degree, such as a Bachelor of Laws, Juris Doctor or Master of Laws. The accredited law schools in NSW are:

- Australian Catholic University
- Macquarie University
- Southern Cross University
- University of New England
- University of New South Wales
- University of Newcastle
- University of Notre Dame
- University of Sydney
- University of Technology, Sydney
- University of Western Sydney
- University of Wollongong

How much does a law degree cost?

Generally speaking a law degree will cost approximately \$40,000 to \$50,000 not including the costs of purchasing law books or loss of salary while studying. Suggested changes to tertiary education funding may substantially increase those figures. Completing the Graduate Diploma of Legal Practice required for admission will add additional costs between \$7,000 and \$11,000. If you are a domestic student these costs can be covered by FEE-HELP, and paid back at a later stage.

Law books are also relatively expensive (many of which cost over \$100). 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, unless they are the most current edition published.

If you are considering moving away from home to study, then 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.”¹⁵ 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?”¹⁶ In order to maintain your mental health, it is important to make time for yourself; read something other than a law text book, join a university team or club and make sure you still have a social life.


In order to avoid burnout, you may consider doing your degree part-time, alternatively if you experience difficulties during the course of your studies you may consider doing fewer subjects at a particular time. There is nothing wrong with taking a little more time to complete your degree; often those that take their degree at a slower pace are able to dedicate more quality time to each subject and attain better marks. You don’t want to be burnt out before you even become a lawyer!

In order to maintain your mental health, it is important to make time for yourself.

STUDYING LAW



First year
they scare you
to death



Second year
they work you
to death



Third year
they bore you
to death



**Work experience can give you
skills that are not attainable
through mere study**

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. Potentially, 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 may also have the benefit of obtaining a professional referee from the firm you worked at.

As well as potentially increasing your future job prospects, work experience provides a real insight into a firm's culture which can vary markedly from firm to firm. 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, another alternative is a voluntary position at a community legal centre or similar organisation.

LEGAL WORK EXPERIENCE

How can I find out about legal positions?

Positions are commonly advertised on internet sites (such as seek.com.au, mycareer.com.au and careerone.com.au), law society websites (see the NSWYL Jobs Network www.lawsociety.com.au/about/YoungLawyers/JobsNetwork/index.htm), and on university and college of law notice boards. Government legal positions are usually advertised in state newspapers (such as The Sydney Morning Herald) and relevant government websites (such as jobs.nsw.gov.au and apsjobs.gov.au). You can also register with online job websites so that jobs fitting your criteria are emailed directly to you.

Another option is to register as a temporary or casual paralegal or legal secretary, either directly with a firm or via a legal recruitment agency.

Barristers' chambers also often 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 or chambers 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.

NSW Young Lawyers itself is a good way to develop a network, even before you graduate. Although the connections formed are valuable in many different ways, they are often a good source of job information.

Another option is to ask your family and friends if they are aware of any upcoming suitable positions.

Seasonal Clerkships

As many firms recruit their Graduates directly from their Seasonal Clerks, it is wise to apply for a Seasonal Clerkship. To be eligible for a Seasonal 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.

What is a Seasonal Clerkship?

Most seasonal clerkships are 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?

In New South Wales some firms advertise Seasonal Clerkship positions on 'cvMail', an electronic application system used by law firms around the world to advertise and process applications for graduate and Seasonal Clerkship positions. The Law Society of NSW also administers Graduate Employment and Summer Clerkship Programs for the benefit of law firms in NSW and law schools (<http://lawsociety/community/forlawstudents/GraduateEmploymentClerkships/index.htm>).

It is important that you familiarise yourself with the relevant application dates for each firm. Whilst a strong academic transcript is undeniably appealing to a prospective employer, marks alone are not enough to secure a Seasonal 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.

LEGAL WORK EXPERIENCE

How do I apply for placements?

Timeframes apply for the opening and closing of applications for graduate employment and summer clerkship positions, and the making and accepting of graduate employment and summer clerkship offers in accordance with Schedule A of the Guidelines.

Each participating law firm has its own application process. Students should send their completed application in the format preferred by the firm of their choice. The Student Application Form is to be used only where specifically required by the firm. For firm requirements view the list of Participating Law Firms for the Graduate Employment Program and the Summer Clerkship Program.

The Law Society cannot accept lodgement of student applications.

Are clerkships compulsory?

If you don't think a clerkship is for you, there's no obligation to apply. There are plenty of other legal work experience opportunities in other law firms, in-house and in the community legal sector. If you later change your mind, some major firms also have a graduate intake

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."¹⁷

If your Clerkship application is unsuccessful, it is a good idea to 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.

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.

Remember to contact the Human Resources department to seek feedback, which may assist you in improving your resume and interview technique for the future





Be mentally prepared before embarking on a law degree

ELIGIBILITY FOR ADMISSION

Upon completion of your degree, in order to be eligible for admission to practice law, it is necessary to complete Practical Legal Training (“PLT”).

Some universities incorporate the PLT requirements into the course requirements of your degree but if your university course does not offer this then you must attend a college such as the College of Law or ANU College of Law to complete your PLT.

Prior to being admitted as a solicitor you will generally 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.

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

See the LPAB website for more information www.lpab.justice.nsw.gov.au

ELIGIBILITY FOR ADMISSION

Academic Requirements

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.

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
- Contracts
- Property both Real (incl. Torrens system land)
- Personal Equity
- Administrative Law
- Federal and State Constitutional Law
- Civil Procedure
- Evidence
- Company Law
- Professional Conduct.

Practical Legal Training Requirements

In New South Wales the PLT Requirements include both structured and supervised training and workplace experience.

Rule 96 of the Legal Professional Admission Rules 2005 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

- Practice Areas
- Civil Litigation Practice
- Commercial and Corporate Practice
- Property Law Practice

One of the following:

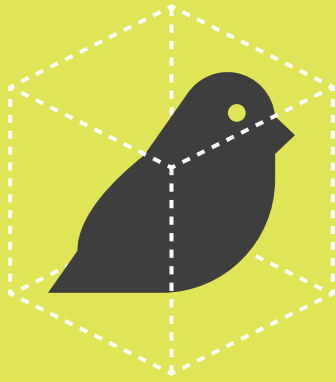
- Administrative Law Practice,
- Criminal Law Practice or
- Family Law Practice

One of the following:

- Consumer Law Practice,
- Employment and Industrial Relations Practice,
- Planning and Environmental Law Practice; or
- Wills and Estates Practice

Values

- Ethics and Professional Responsibility



**Legal recruiters have an
unfortunate reputation for
pigeon-holing candidates**

LEGAL POSITIONS

Once you become admitted as a lawyer it is likely that you will have to compete to obtain your first legal position as 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. Generally speaking, law firms are categorised as either top tier (think King & Wood Mallesons), mid-tier (think Gilbert & Tobin), boutique (think Marque Lawyers) or regional.

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 well over 1,000 applications for each graduate position. Unless you have connections in the industry or in a particular firm (who will personally recommend you and assist you to secure your first position) it takes much tenacity and determination to overcome these odds.

Keep in mind that the majority of lawyers are not at top tier firms, and this does not prevent them having rewarding and satisfying careers.

LEGAL POSITIONS

What is a Graduate Position?

Generally speaking Graduate Positions are one to two year positions with an opportunity to rotate through several practice groups. The content of Graduate Positions vary between each law firm. 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 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 Seasonal Clerks.

If you are keen to obtain a graduate position at a particular firm, you should apply for a Seasonal 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 are other ways of obtaining legal experience. Law societies and similar organisations have been working hard over the last few years to dispel the myth that the only way to break into a successful legal career is to obtain a Graduate Position at a top tier law firm because this is simply not true. It is a good idea to look into Graduate Positions offered by mid-tier and boutique firms where often you get more one-on-one experience with mentors.

Many firms make second round offers when graduates decline an offer or resign in the first few months or weeks. With this in mind, it is important, to 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.

There are also similar positions working in federal government agencies such as the Australian Securities and Investments Commission (ASIC), Australian Prudential Regulation Authority, the Australian Competition and Consumer Commission (ACCC), Australian Taxation Office or State

and Territory government agencies such as the NSW Crime Commission and the Department of Roads and Maritime Services. Many of these government organisations offer cutting edge graduate programmes and interested law students should be familiar with the application dates for these programmes. Alternatively, many of the government organisations also offer ad hoc roles on their recruitment websites. For example for federal roles see www.aps.jobs.gov.au and for NSW government roles see www.apjobs.gov.au.

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.

Working in a firm is only one option for the new lawyer. Some other options are:

- Work for yourself. However, a 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.¹⁸

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.

LEGAL POSITIONS

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.

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.

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 generally considered the healthy median between small, boutique 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 generally 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

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.

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 than when applying for graduate positions.

Top tier is generally used to describe the largest leading professional services firms. Top tier firms are obviously impressive on your resume, but they are not for everyone. For example, many top tier firms don't have family law or criminal law practices. So if you dream of a career in family law or criminal law, a top tier firm may not be an option for you. 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.

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.

LEGAL POSITIONS

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 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 the possibility of 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 Bar

You can go straight from your degree to the Bar. 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.

For many, the opportunity to be your own boss is worth the effort. 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.



Consider Graduate Positions offered by mid-tier and boutique firms where often you get more one-on-one experience with mentors



**Typographic and formatting errors
on a resume are all too common**

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
- be tailored to the selection criteria of the position and the culture of the firm
- be signed and dated.

Judges often advertise for graduates when hiring associates, tipstuffs (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, or may require the firm to pay a placement fee to the agency.

For further information and tips on drafting a successful cover letter, refer to career websites and legal recruitment sites. Your university careers department may be able to assist you with drafting cover letters and preparing for interviews.

COMPLETING A JOB APPLICATION

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 subsequent pages of your resume are often not read and/or absorbed in detail. Ensure your resume is well structured and easy to read with plenty of space and sub headings. 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 the criteria and competencies for the position to 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.”¹⁹

Make sure you research the firm before accepting a position and make some discreet enquiries about the solicitors and partners

you will be reporting to. 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.

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. 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. 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.

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.)

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.



**The bigger the firm, the
longer the hours²¹**

CHOOSING THE RIGHT FIRM POST ADMISSION

“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.”²⁰

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.’²¹ 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.²² 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

CHOOSING THE RIGHT FIRM POST ADMISSION

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:

1. Will you have any autonomy, and if so, how much?
2. Will you receive a variety of interesting work?
3. Will you be working in a practice area which interests you?
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).
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. Will you have opportunity for rotation into different practice areas? Is there genuine work life balance and flexible working arrangements?
13. Will you be required to work very long hours without a clear link to performance and pay?
14. Does the firm have a reputable culture and positive working environment?
15. 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.)
16. 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.
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. In your work for the firm, you would not be expected to sign a contract without reading it. Do not feel obliged to now.

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.

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.)

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."²³

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.²⁴

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 & Acquisitions may be required to work long, unsociable hours to liaise with international clients. Those who practice in this area of the law may be able to demand greater salaries to account for the longer hours and higher commercial rates charged by their employers.

Superannuation

As a general rule you are entitled to the minimum 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. You may wish to roll them over into one fund. 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.

How to survive and *thrive*
IN PRACTICE



WORDS OF WISDOM



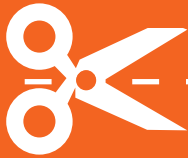
The successful lawyer has a smile and a pleasant word for the office staff. He or she is always willing to help a less experienced colleague with advice and is courteous and reasonable in dealings with opponents. Not only that, he or she looks for opportunities to use the law for more than just his or 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...²⁵

- The Honourable Justice Palmer, Supreme Court of New South Wales

(From his speech to the College of Law,
Sydney on 11 November 2006)



**Your employment can be lawfully
terminated, if you fail to achieve
the required expectations**

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.²⁶

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 (subject to the terms and conditions of your contract of employment), if you fail to achieve the required expectations. Your support network can be invaluable in helping you deal with your employer's expectations – especially if those expectations are not reasonable.



**Irregular feedback is a common
reason for new lawyers
to leave a firm**

BUILDING RELATIONSHIPS WITH YOUR SUPERVISOR

Your performance at work does not depend solely on your technical capacity and individual pursuits.

An important aspect of beginning work is learning to work with others around you. Whenever you work for a particular partner/supervisor, they are likely to not only be analysing your capabilities and your skills, but also your ability to communicate.

Your colleague's role is to supervise you and (ideally) provide you with feedback on your performance including the ways in which you can improve your practice. In turn, you are there to support them. Unfortunately, your supervisor may be under a lot of pressure to get their own work done and may not give you regular feedback. This is a common reason new lawyers give for deciding to leave a firm, especially if they have only ever received negative critiques.

BUILDING RELATIONSHIPS WITH YOUR SUPERVISOR

Imagine your supervisor is your client and you own a start-up business. What would you do to keep your clients coming back? How would you build a strong relationship with them? Think about how you would cope if other clients needed you to complete work for them at the same time. Learn how to meet their needs by putting strategies in place to maximise your efficiency, productivity and responsiveness.

When you receive a task, make sure you understand exactly what is required, the relevant facts and the underlying problem or question. Consider whether your supervisor needs a small amount of research done quickly to assist them on a point, or is asking for comprehensive advice. If you don't understand the task and need further clarification, be upfront and ask for help. Just make sure you don't ask questions you could have answered yourself had you put in some effort.

Make sure you know when the task needs to be completed and how many hours you are expected to spend on it. This will help you schedule your priorities and may even help you recognise if you are going off track. Learn the difference between “urgent” (court documents to be filed in an hour) and “urgent” (would be nice to have before the Christmas break but won't be looked at before mid-January). You may be able to suggest your own (realistic) time-frames whilst offering to prioritise the request if it needs to be done straight away. Your ability to meet deadlines reflects on your professionalism and dependability.

Overpromising and under-delivering can be worse than admitting you have limited capacity. 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 you regularly complete tasks incorrectly, your supervisor may have to write off large amounts of 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.

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 willingly. They are probably aware that it is difficult or unpleasant; they may even be testing you! Everyone starts at the bottom at some point and whinging about boring work will elicit little sympathy.

If you are questioned about your legal reasoning or work, make sure you can provide logical answers and demonstrate an awareness of what you have done and why. Don't be afraid to speak up and express your point of view, but make sure you have done your homework first. If your supervisor can't be convinced, don't keep arguing as they won't appreciate it when they are trying to teach you something.

Your supervisor is human. They will have good days and bad days. If possible, learn to read their body language and consider what stressors they may be dealing with. Approaching a supervisor with a trivial question as they are heading out the door to an important meeting is not a good idea.

Consider how your supervisor likes to communicate. For some, a knock on the door or a phone call can be disruptive whilst an email allows them to answer at a convenient moment. For others, an email may be overlooked or give the impression you lack confidence. Once you have worked out your supervisor's idiosyncrasies, you can improve your working relationship by communicating with them in the way they are most receptive to. It's worth asking whether they are free to talk before launching into a monologue.

**Make sure
you can provide
logical answers
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done and why.**

BUILDING RELATIONSHIPS WITH YOUR SUPERVISOR

This helps minimise their stress and your chance of receiving a snappy reception, particularly if you are delivering bad news. On that note, never withhold bad news – even if you are at fault. Owning up or pointing out a problem early on can prevent longer-lasting and more serious problems. It also gives your supervisor a better chance of implementing effective damage control, particularly if you can suggest a solution. Your supervisor/partner is usually the best person to explain the situation to the client but follow their lead and offer to be involved and/or apologise personally. Your pride and reputation may take a blow, but it's better than having to deal with a formal complaint to the Legal Services Commissioner or even a suit for negligence.

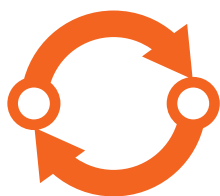
Once the incident has settled down, make sure you get support, debrief and seek input from others. They may see what you couldn't: that you took on too much work, were disorganised or lacked the requisite knowledge. Whatever it is, don't despair. Focus on how you can change, what you could do better, how it could be prevented in the future.

The client, more often than not, will forgive mistakes, but they are far less forgiving of trying to weasel out of one.²⁷

An important part of managing risk in the early stages of your career is understanding your level of authority. You will have varying levels of supervision in your earlier years, and for good reasons. Not only do you have to prove yourself to be trustworthy and competent, you need to meet objective criteria, such as being admitted.

Ensure that you understand what you are authorised to sign. One level of supervision is the signing of mail, faxes, emails and the like. 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. You are always accountable and responsible for your work to some degree, no matter your level of experience.

How to deal with a problem



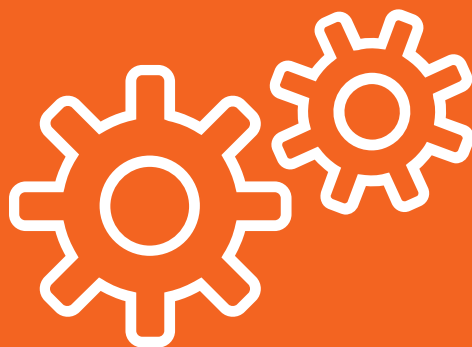
Change



Improve



Prevent



**Any work produced by the
secretary is ultimately
your responsibility**

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.

Treat your secretary in a professional manner at all times and with the respect and consideration they deserve. Having a law degree does not somehow make you more important or 'better' than them - employees are measured by their value to the firm, not their WAM. Remember that your secretary might be asked to provide feedback on how you conduct yourself, or may even offer it up if you act unreasonably.

Make sure you utilise your secretary wisely and do not abuse or overwork them. Your secretary will be busy and have other tasks to do for other employees they work with (commonly referred to as 'authors'). As the most junior employee you will not be the top priority and neither will your work. Keep this in mind when you need something done. Try and plan ahead to give your secretary as much notice as possible about tasks you need them to do. Give detailed, specific instructions and give clear deadlines so that your secretary can also manage their workload and plan ahead. Ask them what tasks they can do, what their preferences are and which tasks they are unfamiliar with or cannot perform.

Remember that any work produced by the secretary is ultimately your responsibility. 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. If mistakes happen, you will be held accountable, either directly or by virtue of not performing adequate quality checks. It is your professional responsibility to oversee their work.

If you find yourself unable to work effectively with your secretary, ask them if there is anything you can do to make their job easier and explain the difficulty you are having. If this fails, only then should you talk to your supervisor or the human resources department. Frame your concerns as objectively as possible rather than focusing on personal characteristics.



**Young lawyers
calculate that they
would earn more
per hour flipping
burgers, given the
60-hour weeks**



MEETING YOUR BILLABLE BUDGET

Be prepared to meet your billable targets and become efficient in completing tasks.

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. Of course, there will be times when you have to pull long hours, but don't let sloppy work practices keep you back longer than necessary. Preventing 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 satisfaction usually find boredom instead.”²⁸

TIME MANAGEMENT TIPS

1. Make use of all of the resources available to you.
2. Use a dictaphone whenever possible.
3. Delegate whenever possible or ask a colleague to help out. Don't forget to return the favour though.
4. Use administrative resources where possible and minimise inefficient practices. Checking your emails compulsively and responding straight away when you don't need to will mean it takes longer to get back to what you are actually working on.
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 by taking regular short breaks. Stand up and look out the window, get a coffee or take a quick walk; whatever you need to do to re-energise your body and revitalise your concentration. It will be time well spent. Have a small bottle of water near your desk so you are forced to get up and go to the kitchen more frequently.
8. 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.
9. 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 yet 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 target is easier as you are not wasting time shuffling and switching between files.
10. Balance the time units on your large and small tasks. If you are given a task, ask your supervisor how long it should take you. As you approach the end of your allocated time, let your supervisor know if it's going to take any longer and give your reasons why. This will reduce the incidence of having your time written off.
11. Never let yourself lose track of the critical dates in a matter. You must have a reliable system in place that warns you of when they are coming up. This is your responsibility as a lawyer and an essential part of being a professional practitioner. Even if you are just helping out another lawyer, you should always quickly check whether a limitation or other period has passed. Use an electronic or manual diary, set up reminders and/or write the dates on your calendar. If you have an upcoming court appearance, set the reminder up a few days in advance so you have time to prepare. If you realise you have missed a deadline, don't panic.

Let your supervisor know immediately so they take action, such as asking for a new subpoena return date or writing to the opposing side.

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. As soon as you form the view that you are unable to complete the task within the time frame, you must communicate this to your instructing lawyer so that they can delegate the task to another lawyer.

Never let yourself lose track of the critical dates in a matter...[It’s] your responsibility as a lawyer and an essential part of being a professional practitioner.

TIME MANAGEMENT TIPS

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, or go door-knocking on solicitors who have given you work previously and let them know 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 prefer to use your smartphone, but check whether you will be able to comply with your firm's policies on IT and the security of confidential client information. Then allocate matters into a timeframe 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 the 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 some point most practitioners will 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. Breaking it in to many little tasks can also help make it less daunting. It may be that once you start what appears to be a daunting task, it is not quite as bad as you imagined. And once it's finished, you can look forward to a reduction in stress, and hopefully feelings of relief.

SHOULD I RECORD EVERYTHING ON MY TIME SHEET?

In one example, a lawyer acknowledged that they should have moved the matter forward but weeks passed while the file grew colder and the matter was delayed further. The longer the file is avoided the more difficult it can be to address. This is sometimes called a 'shame file' in that it becomes source of embarrassment to the lawyer. In many instances lawyers have watched situations snowball to the point where they seemed impossible to remedy. In an extreme case, after years of sitting on a file, a lawyer paid compensation from their own pocket to a client, to avoid having to admit that they had failed to lodge the matter with the court. If you are struggling, seek help from a trusted colleague or take advantage of the advisory services offered by Law Care or Bar Care.²⁹

18. 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.

"If you follow reason far enough it always leads to conclusions that are contrary to reason."³⁰

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. It is not your responsibility to determine the commercial value of your work on the matter. To ensure accuracy record your time when you complete each task, do not fall into a bad habit of recording your time at the end of the day.

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



**Slowing down your speech
can create the impression
of confidence**

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:

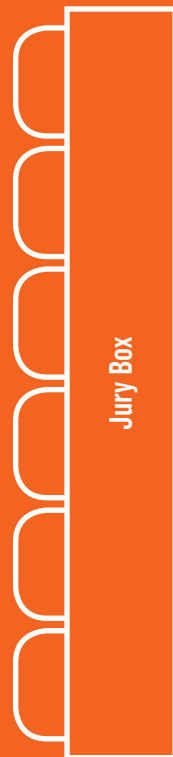
- Make sure you arrive at court early, as you may encounter delays in accessing the building due to increased security measures and waiting for a lift.
- Make sure you are appropriately dressed. Judges, Magistrates and Registrars do not take kindly to casual dress in the courtroom. Men should wear a suit and tie and women a suit skirt/dress and suit jacket.
- Make sure you are familiar with the file. If you are provided with a file you are unfamiliar with, read the latest report on the file, the pleadings, the latest correspondence between the parties and the orders from the previous directions hearing. Ask the person handing you the file what they want you to achieve.
- Before entering the courtroom ensure your mobile phone is switched off or on silent. Make sure you don't have an alarm set which might go off unexpectedly.
- Bow to the bench on entering the courtroom if the Judge or Magistrate is on the bench.
- Never put anything on the bar table that is not directly related to the matter. This includes water bottles, handbags and umbrellas.
- Speak and address the court with a good, strong voice. Try to appear confident and relaxed. Slowing down your speech can create this impression even if you are nervous.
- Refer to the Magistrate or Judge as 'Your Honour'; and the Registrar as 'Registrar'. If you are unsure of their titles, check the daily court list which can be found online, in the foyer of the court on the morning or on the bar table.
- Announce yourself by saying, "My name is (surname only) and I appear for the first defendant (for example)". If you have an unusual surname, spell it out. Some judges, registrars and magistrates like women to announce their title as well to avoid addressing them incorrectly. If you are not yet admitted, say, "My name is (surname only) and with leave I appear for the first defendant (for example)".

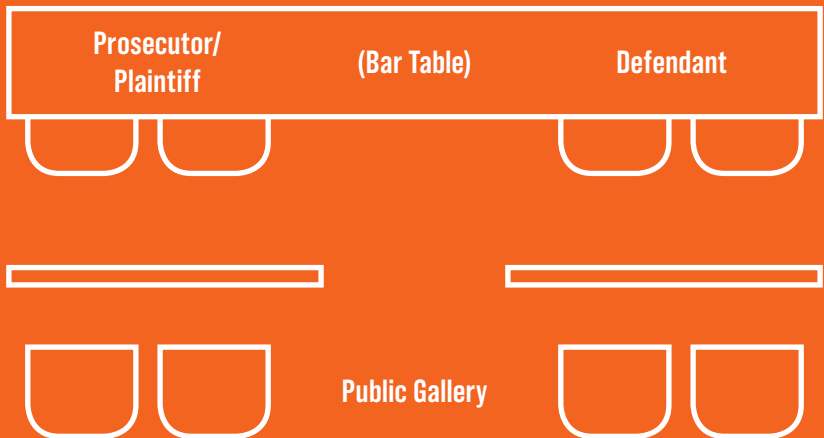
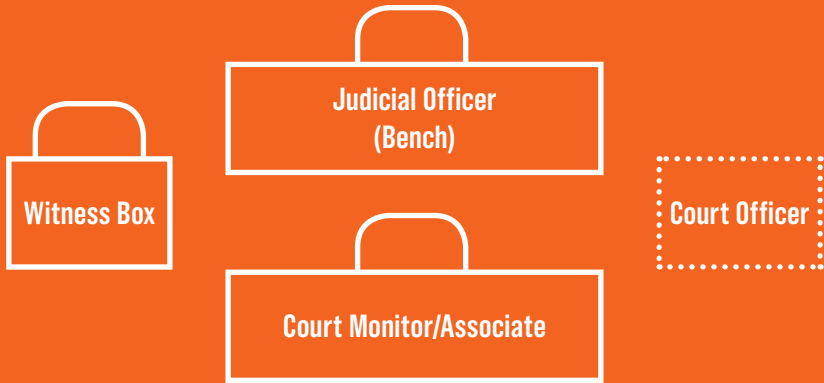
YOUR FIRST COURT ATTENDANCE

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.
- If you have adequate warning, familiarise yourself with the College of Law papers relating to court appearances so you know what to expect. The NSW Bench Books are also a valuable source of information and can be found at www.judcom.nsw.gov.au/bench-books.

COURTROOM LAYOUT





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.³¹

Period of Supervised Legal Practice

If you completed a practical legal training course prior to admission, the required period of supervised legal practice is a period or periods equivalent to 2 years* supervised legal practice.

The supervised legal practice can be completed by:

- (a) one period of supervised legal practice, worked on a full-time basis, that is equal to the required period worked out on a full-time basis, or
- (b) one period of supervised legal practice, worked on a part-time basis, that is equivalent to the required period worked out on a full-time basis, or
- (c) two or more periods of supervised legal practice, worked on either or both of those bases, that together are equal or equivalent to the required period.

Please Note:

- public holidays during a relevant period are to be included as days of supervised

legal practice, whether or not you engaged in legal practice on those days, and

- normal periods of leave taken during a relevant period are to be included as periods of supervised legal practice.

*Note: If you completed a form of practical legal training prior to admission other than a practical legal training course (eg Articles), you are required to undertake 18 months of supervised legal practice.

Supervision

You must have been supervised by an eligible person throughout the required period of supervised legal practice.

Supervised legal practice means legal practice by a person who is an Australian legal practitioner:

- (a) as an **employee** of, or other person working under supervision in, a **law practice**, where:
 - (i) at least one partner, legal practitioner director or other employee of the law practice is an Australian legal practitioner who holds an unrestricted practising certificate, and
 - (ii) the person engages in legal practice under the supervision of an Australian legal practitioner referred to in subparagraph (i);

OR

- (b) as a **partner in a law firm**, where:
 - (i) at least one other partner is an Australian legal practitioner who holds an unrestricted practising certificate, and

- (ii) the person engages in legal practice under the supervision of an Australian legal practitioner referred to in subparagraph (i);

OR

- (c) as an **employee** of, or other person working under supervision in, a **corporate or government body** where the person engages in legal practice under the supervision of a person who:
- holds an unrestricted practising certificate, or
 - holds, or is eligible to hold, an Australian practising certificate, and that person has completed the period of supervised legal practice set out in s.53(1)(a) or (b) of the Legal Profession Act, or the equivalent provision of a corresponding law;

OR

- (d) as an **employee** of any person who is **not an Australian legal practitioner** where the person engages in legal practice under the supervision of a person who:
- holds an unrestricted practising certificate, or
 - holds, or is eligible to hold, an Australian practising certificate, and that person has completed the period of supervised legal practice set out in s.53(1)(a) or (b) of the Legal Profession Act, or the equivalent provision of a corresponding law.

Supervision may be provided by more than one supervisor, either concurrently or consecutively provided there is supervision over the total period of Supervised Legal practice.

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.³²



**Nothing will improve if you
don't let someone know
that there is a problem**

PROBLEMS IN PRACTICE

Starting practice can be a very stressful time in your legal career as you are developing your legal skills.

This includes research, drafting, writing, problem solving, negotiation and communication, in addition to 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
- your employer's office policies procedures, politics and systems
- dealing with the people in the firm/office
- understanding your employer'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. The first step is telling the person how it makes you feel and asking them to stop. If this doesn't work, keep records of what is happening and report their behaviour. This is usually to your immediate supervisor, or if they are responsible, their supervisor or HR. If you speak up immediately this will mean 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.

Other options include speaking to a member of your employee council or a member of the Employee Assistance Program, if applicable. They can be advocates for you and provide you with tips on how to approach the situation. Don't let this experience tar you, wherever possible. Speaking badly of a previous supervisor at an interview is unwise, they may know the person you are talking with and you will appear unprofessional. Certain firms and practitioners will have reputations that are known in the industry and a steady stream of people leaving will not pass unnoticed. 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 and you remain objective and calm.

PROBLEMS IN PRACTICE:

STRESS

How can I tell if I am stressed?

- You may have problems sleeping.
- You may feel out of control.
- You may get moody or depressed*.
- You often feel irritable and annoyed.
- You may make mistakes.
- You may feel nervous and on edge.
- You may be easily distracted.
- You may be anxious and experience negative thoughts.
- You may have trouble concentrating and your brain is overloaded with thoughts about work and what needs to be done.

* Please see further information regarding depression later in this guide.

Stress Management

“My top-tier law school should have offered...[the following] warnings about the profession:

- Cutting and Pasting Legal Lingo
- Explaining Business Associations to the People Who Are Running Them
- 4 a.m. Word Processing and the Law
- Ethics of Conspicuous Consumption
- Forwarding Emails:
Theory and Practice: Seminar
- Arbitrary-Deadline Negotiation Strategies
- Crying Quietly: Clinic
- Jeans-Friday Advocacy Workshop
- Cutting and Pasting II:
Plural to Singular.”³³

Here are some day-to-day things you can do that will significantly improve your mood and aid in stress management:

1. Keep in contact with your friends and family. Your support network is more important than you might realise. Don't forget to ask them how they are going as well, as this will make them feel that you are turning to them as a friend, rather than just a counsellor.
2. 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.
3. 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. Routines can help here too; wherever possible go to bed and wake up at a similar time.
4. 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.

5. Don't take work or technology to bed. Your bedroom should be a sanctuary, used only for rest and relaxation. Healthy sleep habits can be found here: www.abc.net.au/health/features/stories/2012/06/28/3534846.htm

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 fulfilment and purpose.

How can I reduce stress?

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
- Talking with friends who can help put things into perspective, and
- Dealing with the cause.

Whilst the above techniques help you manage the consequences of a stressful situation, changing the situation can be even more effective. Instead of being stressed as you run late for court, leave earlier and print your documents as far in advance as possible.

PROBLEMS IN PRACTICE: STRESS

The effect of stress on your health

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.”³⁴

Research from Harvard University shows that work stress is as harmful to health as smoking or not exercising. Don’t think you are doing your boss a favour by putting up with it.³⁵

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 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. These are maladaptive responses because they don’t fix the problem and can even make it worse by increasing your heart rate or slowing down your thinking. 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.

PROBLEMS IN PRACTICE: BURNOUT

Burnout is a very real threat to people in challenging and stressful jobs. The feelings of tiredness and disillusionment that come with burnout cause great unhappiness, and can spell the end of otherwise promising and emotionally rewarding careers. If the subject matter is getting you down, don't think that only you alone can solve the world's problems. Yes, there may be a lot at stake, but investing too much of yourself emotionally can actually be detrimental for the client or the case. Try to step back and be objective. Don't get involved in personal grudge matches with your opponents. Be as professional as you would expect your lawyer to be, even if that means detaching yourself a little.

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. Politely 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. Many law firms and organisations provide Employee Assistance Programs which offer free confidential counselling for staff (and in many cases their immediate family too). If yours doesn't, the law societies of each State and Territory commonly provides some alternatives.

"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."³⁶

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.³⁷ A sample study of 7,551 professionals showed the same result for an astonishing 15.2 per cent of lawyers.³⁸ This is more than double!

PROBLEMS IN PRACTICE: DEPRESSION

Anyone can get depression, and even Winston Churchill suffered from what he called “the black dog.” Unfortunately the legal profession in Australia has some of the highest rates of depression in the workforce. It is in this backdrop that the law societies around Australia have been absolutely united to support the mental health and wellbeing of the legal community.

Don't let your depression become so unbearable that it ends up affecting your personal life or damaging your health. It is less embarrassing to call up or visit someone and just say that you have been feeling low than to quit your job, or lose your Practising Certificate due to lack of fitness. Given the prevalence of depression and related conditions in the legal profession, the person you speak to may well have been in the same situation, feeling the same way. Talk to someone you trust, or to one of the independent counselling options listed below.

If you are feeling suicidal it is very important to seek immediate help, preferably with a mental health practitioner. Here are some numbers you can call in the event of a crisis:

- Lifeline 13 11 14
- Lifeline for Lawyers 1800 085 062
- Mental Health Helpline 1800 011 511
- Salvo Crisis Line 02 8736 3295 (Sydney)
- Salvo Care Line 1300 36 36 22
(regional NSW)
- Suicide Call Back Service 1300 659 467

If you display several of the symptoms described on the next 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.

The following pages offer a series of resources which may help you or a friend deal with depression or other mental health issues. A good place to start is the NSW Law Society's Lawyers Assistance Program, which can be accessed here: www.lap.com.au. Alternatively, you can contact your employer's Employee Assistance Program where available. The EAP can provide a limited number of free counselling sessions to help you with work issues or those which affect your work, such as relationship problems or depression.

Signs of Depression

The Law Institute of Victoria has published the 'Introduction to Depression' factsheet (see www.liv.asn.au/PDF/GettingAdvice/LawCare/LawCare_Depression.aspx) which was based on research from LawCare UK (www.lawcare.org.uk/stressanddepression.htm). It indicates the following signs and symptoms of depression that one should look out for amongst their colleagues:

- Absenteeism, or presenteeism (being in the office but being non-productive);
- Falling productivity and simple errors occurring;
- Indecision;
- Bad decisions or rash decisions;
- Poor morale and uncharacteristic lack of co-operation;
- Complaints of aches and pains or tiredness on a regular basis;
- Disruptive, interfering or domineering behaviour to other team members;
- Alcohol or drug use or abuse;
- A general reluctance to socialise or participate in company activities

Research has suggested that if a person is able to tick more than one category of the following, they may be depressed (source: Mental Health First Aid Manual, Orygen Research Centre, University of Melbourne 2008, page 10). In such circumstances the person should consult their medical practitioner for assistance.

Category One:

If a person is clinically depressed they would have at least two of the following symptoms for at least two weeks:

- An unusually sad mood that does not go away
- Loss of enjoyment and interest in activities that used to be enjoyable
- Lack of energy and tiredness

Category Two:

As well, people who are depressed have other symptoms such as:

- Loss of confidence in themselves or poor self-esteem
- Feeling guilty when they are not really at fault
- Wishing they were dead
- Difficulty concentrating and making decisions
- Moving more slowly, or sometimes, becoming agitated and unable to settle
- Having sleeping difficulties, or sometimes, sleeping too much
- Loss of interest in food or, sometimes, eating too much. Changes in eating habits may lead to either weight loss or weight gain.

PROBLEMS IN PRACTICE:

DEPRESSION

How can you assist a work colleague

It is recommended that all young lawyers learn a little bit about depression because it is a common problem among the general population. Certainly, turn your mind to the possibility of your colleague being depressed, especially if they display any of the previously mentioned symptoms or signs.

The 'Introduction to Depression' factsheet also suggests the following ways that persons can assist colleagues who show signs of being depressed:

- Look out for depression especially if there has been a death in the family, a change in job responsibilities, such as promotion or demotion, or any significant personal upsets over the past few weeks or months.
 - Look out for depression but DO NOT diagnose it or attempt to treat it symptoms or signs. This is a job for professionals.
 - Hints of suicide such as "life is not worth living" should be taken seriously and acted upon.
 - Depression can kill and suicide is a result of people unable to see positives reasons to live.
 - Encourage them to get help. They may well realise they are depressed but the negative thinking that goes with the illness may stop them seeking help. Be there to support them and, if appropriate, offer to come with them to the doctor (especially if they have no-one else to rely on).
- Do not judge or blame them. No-one chooses to be depressed.
 - Always make a point of welcoming your colleagues back to work. Remember that they may not be able to instantly resume their original work capacity, but may need to ease their way back in. Be supportive and encourage them to give you feedback about how they feel once they return to work

Beating Depression using the 3 A's

For anyone suffering from depression, their general practitioner should be their first port of call. Research from LawCare UK suggests that there are also steps you can take to change your way of thinking that may help in lifting your depression. These can be grouped under three A's as follows:

Be Aware of your symptoms

- Pay attention to your mood changes and note what is going on around you that led to these changes. Understand why mood changes happen.
- Own your feelings, do not be afraid to admit how you are honestly feeling.
- Be alert to your body – your posture and facial expression. These are non-verbal clues to your emotions.
- Be aware of the symptoms of depression – loss of confidence and motivation, problems concentrating and making decisions. When you experience these, it is a strong possibility that these feelings are due to your illness.

- Automatic negative thoughts are common in depression – “I answered that one question badly so I blew the interview”, “Everyone thinks I’m fat and ugly”, “I always fail at everything I do”. Recognise when you have these thoughts. Try not to let these negatives thoughts rule or dictate your day.

Answer negative thoughts

- Answer negative thoughts by asking whether they’d stand up in a court of law. “I’m no good at anything.” Look at the evidence and give yourself a fair trial before you convict yourself.
- Ask yourself whether you’re thinking in “all-or-none” terms – thinking this way can make everything seem bad if it’s not perfect! Almost everything in life is in degrees or on a continuum. That presentation may not have been brilliant, but it wasn’t terrible either.
- Ask yourself how you might consider something if you weren’t suffering from depression. Would you really think a cold sore was the end of the world?
- Look for the distortions in your thinking. How do you know what everyone else is thinking about you? Be positive and your positivity will work wonders.
- Are you confusing a low probability with a high probability? “They will probably fire me for missing three days at work” should give way to “When was the last time they fired anyone at this firm for being unwell?”.

- Are you focusing on problems you have little or no control over? Yes, famine and wars are tragic but, after you’ve done what you can to help, being depressed about it does not help matters. Control what you can control and try not to dwell on misery.
- Collect negative thoughts – write them down and put them away.

Act differently

- Focus on your strengths. Think carefully about what you are good at (ask a loved one if you need to), and concentrate on building these up. Take pleasure in your own ability.
- Think about your goals in life and work towards them. If you want to be happy and get the most out of your life, then negative thinking is not helping you to achieve happiness.
- Increase your involvement in positive activities that you enjoy – spending time with friends – and decrease your involvement in negative ones – resign from that non-essential and often stressful committee.
- Exercise regularly and do not feel guilty for doing so. Find a sport that you enjoy and make time for it each and every week. Physical activity improves mood and counters the fatigue common in depression.

PROBLEMS IN PRACTICE: DEPRESSION

Act differently (continued)

- Address problems when they arise. No one has a life free of difficulties, but try not to let them make you depressed. Identify the problem as concretely as possible, consider various approaches, select the most promising approach and carry through. Apart from time set aside to specifically deal with the problem, don't let yourself dwell on it or feel overwhelmed and helpless. If you need additional help from a professional, then seek it without delay. The sooner issues or concerns are addressed the sooner things can be rectified and the sooner you can be mostly worry-free.

Beating Depression using the three A's



Awareness of your symptoms



Answer negative thoughts



Act differently

PROBLEMS IN PRACTICE:

DEPRESSION

Sources for additional information on depression

Beyond Blue – provides comprehensive online information on signs and symptoms of depression and anxiety. Their website address is 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.

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. The bulleting board was designed to enable people to reach out and both offer and receive help. The main thing message BlueBoard wants you to know is that you are not alone. Friends of people with depression can click through to find out what the experience of depression is really like. Go to blueboard.anu.edu.au 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 provides users with the highest quality scientific evidence on interventions for depression plus consumer perspectives and understanding.

Go to bluepages.anu.edu.au/home for more information.

Black Dog Institute – This is a not-for-profit, educational, research, clinical and community-oriented facility offering specialist expertise in depression and bipolar disorder. Their website features a host of resources and links, up-to-date research and information on community programs and getting help. They also run clinical trials to test new treatments for depression. <http://www.blackdoginstitute.org.au/>

Employee Assistance Program (EAP) – Many firms and employers now offer this program to employees, consisting of free telephone counselling sessions for their employees. Limits do apply. The service is 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 details of the company's EAP in their welcome materials.

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. Visit the self-help portal at 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 for more information or check out their Facebook page at www.facebook.com/ehub.selfhelp.

Lawyers Assistance Program (LAP) – The 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 for further information.

LawCare – This is a professional and confidential counselling service for solicitors and their immediate family members. Counsellors available through LawCare are practising GPs experienced in dealing with the unique difficulties faced by professionals.

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. Call 0416 200 788 to speak to a counsellor at LawCare NSW.

MoodGYM – MoodGYM describes itself as 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 flashed 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 for more information.

Lifeline for Lawyers – The Law Society Mental Health and Wellbeing services. Visit www.lifeline.org.au/crisischat or call 1800 085 062.

The Law Society of NSW – collates a number of resources about mental health and wellbeing which can be accessed by members or subscribers. Visit the Mental Health and Wellbeing page at: lawsociety.com.au/ForSolicitors/professionalsupport/supportingyou/mentalhealthwellbeing/index.htm.

NSW Young Lawyers – helping law students, solicitors and barristers if they are experiencing mental health issues or wish to improve their general wellbeing. Visit <http://lawsociety/about/YoungLawyers/MentalHealth/index.htm>.

PROBLEMS IN PRACTICE: DEPRESSION

Tristan Jepson Memorial Foundation –

The Tristan Jepson Memorial Foundation was set up in memory of Tristan Jepson, a former University of NSW law student, young lawyer and comedian. Tristan suffered from severe clinical depression and took his own life, just four weeks after his 26th birthday. The Foundation's objective is to decrease work related psychological ill-health in the legal community and to promote workplace psychological health and safety. www.tjmf.org.au

UTS Counselling Self Help Resources – For Fact Sheets on overcoming procrastination, dealing with loneliness, dealing with perfectionism, dealing with stress, managing your time, coping with exams, go to www.ssu.uts.edu.au/counselling/self/index.html

Other Steps to help prevent depression – Prevention is better than cure. While some people are more prone to depression than others, there are steps you can take to help lower your chance of developing depression in such a high-risk profession.

The most important thing is balance. Make sure you have some time away from work and the office where you can relax and unwind, with no phone, access to work emails and no other work-related distraction. You cannot maintain high productivity or quality at work unless you rest as hard as you work.

Avoid working on the weekends where possible, including taking work home. If you must over-extend yourself for a time, make sure you take some holiday leave afterwards to stop yourself burning out.

PROBLEMS IN PRACTICE: 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.³⁹

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.⁴⁰ Bullying can result in anxiety, headaches, nausea, sleeplessness, skin rashes, irritable bowel syndrome, high blood pressure, tearfulness and loss of self-confidence.

PROBLEMS IN PRACTICE:

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.”⁴¹

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.⁴²

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.⁴³

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.

Many of the State law societies offer the LawCare and Lawyers Assistance Program (LAP) as described above.

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 1199.⁴⁴

Additionally, the Law Institute of Victoria has published the ‘Drugs and Alcohol’ factsheet (see http://www.liv.asn.au/PDF/GettingAdvice/LawCare/LawCare_AlcoholDrugs.aspx).

PROBLEMS IN PRACTICE:

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.⁴⁵

For example in New South Wales, regulation 176 of the Legal Professional Regulation 2005 (NSW) requires those holding a Practising Certificate to undertake regular continuing legal education (CLE) in the principles of equal employment opportunity; the law relating to discrimination and harassment; occupational health and safety law; employment law; and the management of legal practice.

Discrimination in employment occurs when a person is unfairly treated at work.

It is unlawful for your employer to treat you differently due to:

- pregnancy
- family responsibilities
- gender
- disability
- sexuality
- race
- age
- marital status
- caring responsibilities.

Discrimination can be both direct and indirect. Direct discrimination is usually quite obvious but indirect discrimination, while less obvious, is just as damaging. An example would be a practice group in a firm organising a team-building sports day which prevents a member of the team with a physical disability from participating. Employees who are discriminated against are able to access free legal advice (which is capped at a certain amount) if they claim to have been unlawfully dismissed, on the basis of discrimination. For further information about employee rights contact the Fair Work Ombudsman.⁴⁶

PROBLEMS IN PRACTICE:

SEXUAL HARASSMENT

Sexual harassment can be generally 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?

- Tell the person their behaviour is unacceptable and ask them to stop
- Inform your supervisor/manager.
- Inform the human resources department in your firm.
- Contact the Human Rights and Equal Opportunity Commission by phone, letter or email for advice.
- Contact your relevant State or Territory board (such as in New South Wales contact the NSW Anti Discrimination Board (within 6 months)).

- In the end you may have to make a formal complaint and go through the grievance procedure. If you do take a formal approach, never go to a meeting connected with the complaint without someone you trust as a witness.⁴⁷
- Generally each State and Territory law society has an ethics advisory service which 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.
- 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.

PROBLEMS IN PRACTICE:

SEXUAL HARASSMENT

- You can tell your mentor or your firm's 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.

MANAGING YOUR
**PROFESSIONAL
REPUTATION**





**Retain
composure and
remain calm**

**in high
intensity
situations**



HOW DO I RESIGN FROM MY JOB?

It is imperative to preserve professional relationships in order to maintain the integrity of your professional reputation.

Do not burn your bridges. If you make the decision 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, ensure you give the proper notice as required in your contract of employment.

Be professional and courteous and always thank your employer for the experience you have gained. Do not insult your previous supervisor, speak in derisory tones or use inflammatory language including spreading gossip. Do not get angry and walk out.

It is a necessary component of practising as a legal practitioner to have the ability to retain composure and remain calm and collected in high intensity or stressful situations. If you have not enjoyed the experience, keep it to yourself. It may damage your credibility and not your previous firm or employer if you speak negatively of them. It may also cause potential employers to question how you may speak of them. You do not want this sort of behaviour to come back to bite you.

If your employer holds “exit interviews” you can always off-load there, but remain professional, fair, respectful and rational in any criticisms at all times. Ensure each criticism is justified and that you can provide an example, so that it does not appear as if you are venting without cause.

FURTHER RECOMMENDED READING

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- 5 Parents talking career choices at Job Guide, Job Guide, Australian Government, Department of Education, Employment Relations www.jobguide.thegoodguides.com.au.
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- 7 University of Sydney, advice to parents, cited by Pryor, Lisa, The Pin Striped Prison, at 15.
- 8 Alsini & Van Vooren, Is There a Solution to the Problem of Lawyer Stress? The Law School Perspective, 10 *JL & Health*, 61, 66 (1995 1996).
- 9 Lisa Pryor, The Pin Striped Prison.
- 10 Lisa Pryor, The Pin Striped Prison.
- 11 Jerry Seinfeld, American Comedian.
- 12 The American Bar Association, the report of 'At the Breaking Point: A National Conference on the Emerging Crises in the Quality of Lawyer's Health and Lives Its Impact on Law Firms and Client Services' 11 (1991) as cited in 'On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy and Unethical Profession' by Patrick J Schiltz.
- 13 Mahlab salary survey: <http://www.mahlab.com.au/legal-career.asp?id=26&t=survey-archive&cid=43>.
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