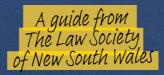
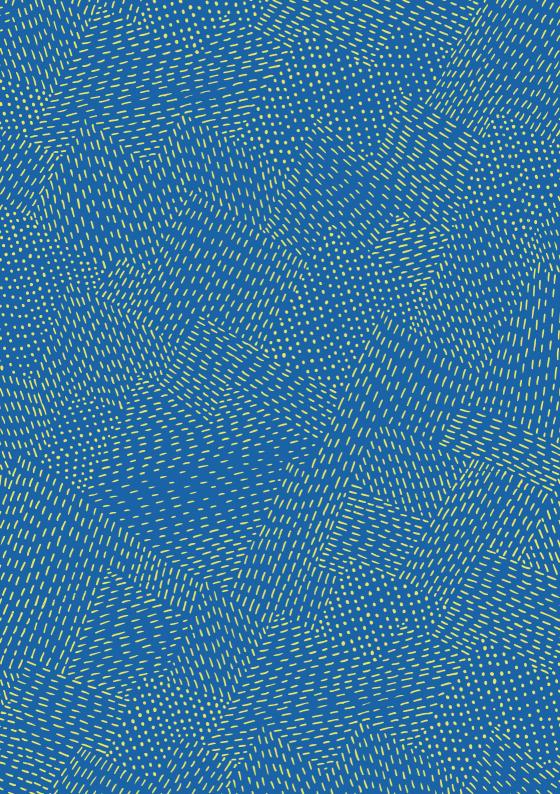
# Thriving IN YOUR FIRST YEAR OF LAW

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A HELPFUL GUIDE AS YOU START YOUR LEGAL CAREER





# **Thriving** IN YOUR FIRST YEAR OF LAW

A HELPFUL GUIDE AS YOU START YOUR LEGAL CAREER





As solicitors, it is our duty to uphold the integrity of the legal profession to ensure that the public continue to be served by responsible solicitors and protect the ethical principles that underpin our justice system.

The Law Society of NSW serves the interests of more than 40,000 solicitors across the state. We are a diverse profession, in age, location, practice area and gender, coming from backgrounds originating from across the globe and among our First Peoples. We provide opportunities to members to collaborate and form connections with colleagues from across the profession to build your personal and professional networks and develop your careers from day one.

Whether you are a graduate, newly admitted solicitor or within your first five years of practice, on behalf of the Law Society of NSW, welcome to the legal profession.

### Brett McGrath

President of the Law Society of NSW 2024 Early career lawyers form the future of the legal profession. The Law Society of NSW is here to support you throughout your career journey. We recognise your unique position and the exciting opportunities that await you. That's why we're dedicated to providing you with the information, resources and connections to begin your career on the right foot.

Whether it's providing wellbeing, ethics or compliance support, opportunities to join a committee and contribute to policy submissions, events that provide social, professional or personal development opportunities, or a place to simply come together to work, dine, network or collaborate, the Law Society of NSW is committed to providing the best support services for our members.

As you are becoming the drivers of change in a legal profession that is constantly evolving, we'll ensure you're best equipped to thrive in the future.

# Contents

**4 Securing your first role** Tips and tricks for starting your legal career.

6 Choosing the right organisation Do not choose your career path based solely on the starting salary.

**10 What is supervised legal practice?** Understanding this critical part of your legal career journey.

12 Navigating hybrid working The space in which we work can significantly impact our professional experience.

15 Making the most of a mentoring relationship Having a mentor brings many opportunities.

#### 17 Can I debrief to my friends?

Your obligations as a lawyer when downloading with your trusted circle.

**18 Your relationship with your supervisor** Learning to work with others around you.

**25 Your first court attendance** Going to court for the first time can be very daunting.

**26** Superannuation: a guide by LegalSuper Those years of study have finally paid off and anything is possible.

**28 Encountering problems in practice** Starting practice can be a very stressful time in your legal career.

32 Mental health in the workplace Mental health conditions are common, yet broaching the topic is still taboo in many organisations.

34 Knowing the signs of vicarious trauma We are conditioned to be strong as we advocate for clients, putting our own needs aside.

**36 Can you say 'no' to your boss?** It turns out that you can - know when to push back.

**39 Building your profile** What does it mean to network? Here's a handy guide.

**40 Nothing going on** 'Niksen', is the Dutch philosophy of doing nothing - and it's set to change your downtown.

**43 The dos and don'ts of networking** How to stop scrolling on your phone in the corner and get out there to mingle.

**45 Bupa Corporate Health cover** The new Bupa Corporate Choice range provides refreshing levels of choice, flexibility, and value.

**48 About NSW Young Lawyers** Get to know how NSW Young Lawyers can support you in your first years of practice.

#### 50 About the Law Society of NSW

We are a community of over 33,000 members of the legal profession - learn more about our work.

# **SECURING YOUR FIRST ROLE**

Tips and tricks for starting your legal career

#### **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 oranisation
- be signed and dated.

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.

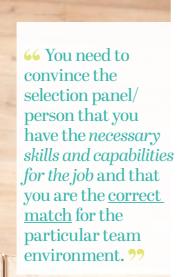
#### YOUR RESUME

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.

The first page should 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 organisation, 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 organisation's values and culture.





Check out our online resources portal for careers guidance and examples of resumes and cover letters

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 (very frequently used in government job interviews)

- **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 or colleague to proofread your cover letter and resume to identify any errors and to provide you with constructive feedback. Put every effort into your applications and try to find a organisation whose culture and work specifications suit you.

# **CHOOSING THE RIGHT ORGANISATION**

Do not choose your career path or your first organisation 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.

In a smaller organisation you are likely to be exposed to a wider variety of legal work and have more responsibility, including carriage of your own files or matters.

Ideally you will secure a position in an organisation 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 organisation will be the one where you fit into the organisation's culture and can be yourself, however this is not always achievable. When considering whether to accept a legal position, consider the following:

- Will you have any autonomy, and if so, how much?
- Will you receive a variety of interesting work?
- Will you be working in a practice area which interests you?
- Rate of pay and method of pay (weekly/monthly).
- Whether the salary offer is a package (i.e. base and superannuation combined) or a base salary plus superannuation.
- When and if you will be entitled to a salary increase (particularly if you are paid junior rates).
- Any leave entitlements, including parental/ carer's and long service leave.



### Words of wisdom

"If the legal profession, in all its ranks, is more reflective of Australian society, that can be nothing but a good thing. We are not used to seeing women of minority backgrounds in an esteemed profession. That plays a role in alleviating and challenging stereotypes. The law shouldn't be a profession that is a privilege that only people of wealthy backgrounds can afford to enter. That goes without saying across many industries. The circumstances of your birth shouldn't dictate what opportunities you are afforded."

Chief Executive Officer Media Diversity Australia, Lawyer, Founder & Chair Islamophobia Register Australia **Mariam Veiszadeh** 



- Whether you will be employed on a permanent, part time, temporary or casual basis.
- When you can expect to receive a written contract of employment.
- Confirmation of all employment conditions in writing (including your next salary review date).
- Which Enterprise Agreement or Award you will be working under (if any). There is no applicable award or agreement for a lawyer.
- 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?
- Will you be required to work long hours without a clear link to performance and pay?
- Does the organisation have a reputable culture and positive working environment?
- Is there a sufficient informal appraisal process in place? (A common reason new lawyers give for leaving an organisation is the lack of positive or constructive feedback, or abundance of negative feedback, on performance.)
- Is there opportunity for career and professional development, including training, education (such as funding for further study), mentoring and personal development?
- The professional reputation of the person you will be reporting to, including what they are like to work for.

66 Lawyers' salaries vary substantially between large and small organisations and between country and city organisations. ??

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 organisation, you would not be expected to sign a contract without reading it.

Do not feel obliged to do so 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:

- Start date.
- Duties and/or job description.
- 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

Lawyers' salaries vary substantially between large and small organisations and between country and city organisations. Mahlab Recruitment, Naiman Clarke Legal, and Hughes-Castell all publish career and salary



surveys for the legal profession. These surveys list the legal professional salaries throughout Australia and overseas.

Larger salaries are likely to be associated with larger organisations who have larger billable budgets to substantiate the higher salaries. Certain practice areas may pay higher salaries too. For example solicitors who work in mergers and acquisitions may be required to work long, unsociable hours to liaise with international clients. Those who practice in this area of the law 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 rate paid into a fund of your choice.

If you have previous superannuation policies but are unsure of the name or policy number of your previous fund contact the Austral-



ian 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; and
- · minimise the statements you will receive.

#### 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.

Most organisations employing new lawyers require a period of probation, typically either three or six months. During your probationary 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.

## WHAT IS SUPERVISED LEGAL PRACTICE?

For most solicitors, the required period of supervision is two years full-time legal practice, or the equivalent worked on a part-time basis.

#### **UNDERSTANDING CONDITION 2**

Under the Legal Profession Uniform Law (NSW), a statutory period of supervised legal practice is required for solicitors and is imposed as condition 2 on a practising certificate. This basically means that a solicitor whose practising certificate is subject to condition 2 must, in this jurisdiction, engage in supervised legal practice only, until they have completed the statutory period of supervised legal practice and have had condition 2 removed from their practising certificate. A solicitor may be supervised by a practitioner who holds a practising certificate authorising them to supervise legal practice by others. Unless otherwise prohibited, a solicitor whose practising certificate is not subject to condition 2 is entitled to supervise legal practice by others.

For most solicitors, the required period of supervision is two years full-time legal practice, or the equivalent worked on a part-time basis.

Generally, with respect to law practices, a solicitor with an unsupervised practising certificate will be a principal or senior solicitor employed by the law practice and may supervise legal practice. In an in-house role as a corporate legal practitioner, the supervised solicitor should be supervised by a person who holds an unsupervised practising certificate. As a government legal practitioner, the supervised solicitor should be supervised by a person who holds, or is eligible to hold but is exempted from holding, an unsupervised practising certificate.

#### HOW LONG DOES IT GO FOR?

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 two years' supervised legal practice. You must have been supervised by an authorised supervisor throughout the required period of supervised legal practice. Supervised legal practice can be completed by:

- one period of supervised legal practice, worked on a full-time basis, that is equal to the required period, or
- 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
- 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.

### Quick Guide to Supervised Legal Practice

Find out more, such as what standard of supervised legal practice is required and tips for a successful supervisory relationship, in our Quick Guide to Supervised Legal Practice available on the Law Society of NSW website.

### It's worth noting:

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.

#### **SUPERVISION**

Supervised legal practice is defined under the Legal Profession Uniform Law (NSW) and provides who can supervise you depending on the category of your practising certificate. Generally, if you work as an employee of, or other person working under supervision in, a law practice, you must be supervised by a principal (partner) of the law practice who holds an unsupervised practising certificate or an employee of the law practice who holds a practising certificate authorising the holder to supervise legal practice by others. Corporate or government legal practitioners must be supervised by a person who holds an unsupervised practising certificate. 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.

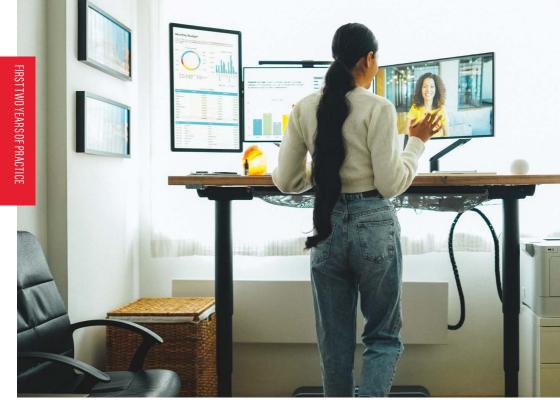
Supervised solicitors who are supervised remotely for all or part of their practice are to consider the Law Society's remote supervision guidelines on the Law Society's website. GAINING AN UNSUPERVISED PRACTISING CERTIFICATE

After completing a total of two years of supervised legal practice, you can apply to have condition 2 removed from your practising certificate. Your practising certificate will remain subject to condition 2 until such time that you have successfully applied to vary your practising certificate to have condition 2 removed. Applications to remove condition 2 from your practising certificate include certification of supervised legal practice from your supervisor(s). Detailed information on the application process can be found in the Supervised Legal Practice Guidelines and on the Law Society's website. Your application will be submitted to and considered by the Law Society's Registry Department.

#### WHY REMOVE CONDITION 2?

The Law Society of NSW recommends that solicitors apply for the removal of condition 2 as soon as they have completed the required period of supervised legal practice, regardless of their current intentions, in order to facilitate future career development.

\* If you've 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.



### NAVIGATING HYBRID WORKING FOR EARLY CAREER LAWYERS BY RACHEL SETTI

The space in which we work can significantly impact our professional experience, especially for those just getting started in their careers who may be living in share houses.

Rachel Setti is a Sydney based executive coach, wellbeing consultant, speaker, facilitator and writer. For centuries humans have commuted to the office. In fact, it is thought the earliest workstations were designed by medieval monks who created quiet spaces designed for sedentary works. By the 17th century professions that relied heavily on written records, lawyers included, created office-like buildings which differentiated work from home. Henceforth, the idea of lawyers working in an office, albeit with an occasional work from home arrangement, was never questioned. However, the recent pandemic has changed that, and history may well remember this period as a turning point where home and office merged and revolutionised the way we structure our lives. However, prior to set-



### Words of wisdom

"For me, the reason [I studied law] is that it allows me to give back to my community and improve the position of Indigenous Australians in the criminal justice system."

Proud Wiradjuri man, student in Bachelor of Law/Criminology and Criminal Justice at UNSW Kyle Fox



tling into a new normal there are still areas requiring attention, particularly for new lawyers embarking on their careers. This includes optimising the work-home synergy and ensuring professional development opportunities are maintained in the hybrid working environment, both of which are addressed below.

The space in which we work can significantly impact our professional experience and has afforded many lawyers the opportunity to ditch their daily commute and work comfortably from their home office, or even tick off that bucket list dream of relocating away from the bustle of city life, whilst still maintaining a busy legal practice. But what of recently qualified lawyers? Take for instance the junior associate living in a shared house with other young professionals in a somewhat crowded environment originally designed for group living and leisure. Not only are there issues of physical workspace, but also Wi-Fi, noise, confidentiality, and the capacity to switch off from work. Or how about the graduate lawyer who lives alone, in isolation, at a time in their professional journey where networking and mentoring opportunities should be abound.

If you find yourself in any of these situations, you may not be able to change your home-work environment but you can focus on the variables that make a difference. For instance, time-based tasks can be enormously impactful in the face of poor spatial arrangements and creating rituals to differentiate between work and leisure time is useful. This could be in the form of self-care daily habits, for example an exercise routine just before or after work, placing your laptop and other work related 'tools' out of sight at the end of the workday, turning off work emails in the evening etc. These rituals won't alleviate spatial concerns, but they do allow you to create a space in your mind between your working day and your leisure time.

Finding ways to keep your mind and body focussed is another important aspect. Mindfulness, the practice of noticing how you feel and letting go of unwanted thoughts, is a good way to promote rest and recovery during a busy schedule. For instance, listening to a short 5-minute meditation in between meetings can provide a great opportunity to switch off from one task as you move to the next, and there are an abundance of phone based apps to help you do this. Furthermore, it is important to make up for lost 'incidental' interactions by proactively planning activities such as meeting a friend for a walk or coffee. Frivolous as it may feel to take a break during a busy day, this short well-being investment can help you recharge and carry you through the rest of your day.

From a career perspective, two essential aspects to consider are consolidation of your craft and creating strong networks within your profession. Finding ways to assertively incorporate both these aspects into your working schedule will not only benefit your professional growth, but will also impact the organisation's bottom line, so make a business case for any extra support that you require. Create both formal and informal mentoring and coaching relationships, and if your quest is for in-person experiences be transparent about the challenges of working remotely as a new lawyer. Network with other new lawyers by creating group learning and development sessions with your peers, and seek out opportunities provided by the Law Society of NSW, and NSW Young Lawyers, to attend in-person events.

Be proactive in deciding when to attend the office by aligning your working days with the people you wish to develop relationships with, and seek informal learning opportunities, such as attending meetings with your senior managers as an observer/assistant. In doing so arrange meetings in advance, as opportunities for in-person meetings are somewhat limited in the hybrid world.

Complex as it may feel, junior lawyers are at the forefront of exciting change and will be carrying the legal profession into the future. Decide how you want to shape this revolution of sorts. What do you want tomorrow's organisations to look like? How would you like legal organisations to evolve prior to passing the baton onto the next generation?



# MAKING THE MOST OF A MENTORING RELATIONSHIP

Whether it's honing specific skills or receiving career advice, having a mentor gives you the opportunity to choose your own adventure. But how do you get the most out of this opportunity?

#### **Maud Lindley**

is the founding director of Serendis Leadership, an Australian leadership consultancy helping to develop agile, visionary, inclusive and adaptive leadership for success in an increasingly complex business world. Sadly, many mentoring relationships end awkwardly after two meetings. When you have finished asking them questions about their career and sharing your own long-term ambitions, it is not uncommon to lack inspiration for the next conversation.

#### STEP 1 – ESTABLISH TRUST AND COMMON EXPECTATIONS

Have you established a level of trust with your mentor that enables you to be completely open and vulnerable in your conversations? Are you both clear on the expectations of the partnership (time, frequency, number of sessions)?

If you have answered no to either question, you need to start here. Make sure you explicitly express to your mentor that you would like to work together for a defined period of time (say six months), that you would like them to help you achieve a tangible goal, and that you would like your conversations to remain confidential. In order to increase the trust factor, you can also ask them questions that will enable them to be really open with you, so you are more comfortable doing the same.

#### STEP 2 - IDENTIFY CLEAR AND MEASURABLE GOALS

Have you written down what you want to achieve with the help of your mentor? Have you shared this with them succinctly and specifically? Setting goals can seem tedious and daunting but it is the most powerful way to grow. Start by answering this question: "What will I achieve with my mentor that I would not have otherwise achieved on my own?". Share this with your mentor, and together you can clarify: "How will I feel, where will I be, what will I be proud of at the end of this year?" This will allow you to set aspirational but specific goals to tackle together in each session.

#### STEP 3 - TAKE ACTION IN BETWEEN SESSIONS

Are you starting your mentoring meetings by reviewing how you have implemented the actions agreed to at the end of the previous session?

This is the secret to a successful and impactful mentoring partnership. This differentiates a series of coffee chats and true mentorship. You can do this by wrapping up each session with a commitment to taking one or two simple small actions to bring your session insights to life. These could be changes to the way you approach your responsibilities at work, or it could be reaching out to a senior leader for a networking conversation or it could be taking a lead role in the next big client pitch. These actions are defined together with your mentor in each session when discussing your goals and how to achieve them.

By following these three steps, you will find each mentoring session becomes like episodes of a TV series, when you can't wait for the next one. You will also impress your mentor who will feel their time is being used in a meaningful way.

### The Law Society's Mentoring Program

Mentoring can be an incredibly rewarding experience that plays a valuable role in your personal and professional development, helping you build a fulfilling and successful career.

The Law Society's mentoring program is open to early career lawyers interested in developing their skills and knowledge through the guidance and insight of a more experienced member of the profession. As a mentee, you will have the opportunity to increase your network and build confidence in your areas of practice by developing skills to map and achieve career goals.

#### **Benefits of becoming a mentee:**

- Receive guidance for your career and professional development in the legal profession from someone with experience
- It's an opportunity to reflect on professional challenges and opportunities
- Identify professional growth and career planning
- Be supported as you begin working in the profession

### Bookmark this

Mentoring dates and details www.lawsociety.com.au/mentoring



Linden Barnes is a Senior Ethics Solicitor at the Law Society of NSW

#### In an ethical bind?

The Law Society's Ethics Assistance Line provides solicitors with free practical and confidential guidance to resolve ethical dilemmas and help avoid complaints from clients and colleagues: phone 02 9926 0114

### THE ETHICAL DILEMMA CAN I DEBRIEF TO MY FRIENDS? WITH LINDEN BARNES

Downloading with your trusted people is an important part of self care, but what are your obligations as a lawyer?

There are definitely a few ethical dynamics to consider. First, confidentiality. I am not sure of the code of confidentiality for florists, but I am sure it isn't stricter than ours. Essentially, everything about a client and their matter is confidential. We don't even have to start to consider whether it is privileged. Confidentiality is a much broader obligation covering everything. The fact that they are a client, their contact details, let alone what they want advice on – all confidential.

Some people think that omitting critical details (like names) makes it fine. Unfortunately, it is not that simple. Someone out there, someone overhearing our chatter, may well be able to piece the bits together.

The safe harbour is our office. Our office colleagues are the ones we can talk to, have team meetings with, be mentored by, debrief with.

Second, officer of the court obligations. That really sets us apart and definitely doesn't apply to the IT whiz, florist or librarian. We have to uphold our system of justice. The way we speak about that system, the way we interact with it – that is all part of upholding it. If we, as a part of that system, criticise it inappropriately, if we encourage a disregard for it, then we are not upholding the administration of justice.

Maybe it is time for us to go down to our local courthouse. Go and sit quietly in a courtroom for a little while and think about the importance of our part in the administration of justice. Particularly if we don't often enter court otherwise. We are all officers of the court, regardless of whether we are litigators.

Third, informality. Whether we realise it or not, we have a particular way of speaking – our own legal jargon. Because it is jargon, it may be misunderstood by others, particularly in informal situations. Do we talk about wins in matters where the non-lawyers wouldn't think either side really can win – child protection matters, for instance? How do we use the term victim, given the prominence that term now has in the public consciousness?

Like all friends, we need to be careful who we choose for our debriefing buddies. Some are not the best for work matters – maybe get these particular ones to sort out why our smart fridge is defrosting, our roses are wilting and our current book is boring.

## **BUILDING A RELATIONSHIP** 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 an organisation, especially if they have only ever received negative feedback.

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.

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" (e.g. court documents to be filed in an hour) and "urgent" (e.g. 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. If you are at capacity (say, because you are working on a task for a senior associate) and receive another task (say, from the partner) you need to address this. You should first inform the partner that you are at capacity. Then, ask the partner to speak with the senior associate (who assigned you to



your current task), to resolve between them which task takes priority. You will be expected to be upfront about limited capacity. If you over-promise and under-deliver, you will actually damage your reputation.

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 organisation 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, or in more extreme cases your overall employment status, during your annual appraisal. It is better to ask your questions upfront 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 challenging, do it well, do it on time and do it willingly. Showing initiative and having a reputation as someone who will pitch in and complete difficult tasks can really help in getting you noticed and is likely to garner some currency when assigning people to more compelling projects.

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.

# **66** The client, more often than not, will forgive mistakes, but they are far less forgiving of lack of accountability.**??**

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.

Developing a solid relationship with your supervisor helps minimise their stress and your chance of receiving a short reception, particularly if you are delivering bad news.

### REMEMBER MISTAKES ARE HUMAN – BUT HOW YOU HANDLE THEM MATTERS

On that note, never withhold bad news – even (or more so, especially) 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 required to perform the task. 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 lack of accountability.

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- MAKE USE OF ALL OF THE RESOURCES available to you.
- USE A VOICE-SPEECH RECORDER whenever possible.
- DELEGATE WHENEVER POSSIBLE or ask a colleague to help out. Don't forget to return the favour though.
- **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.
- 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.
- USE ADMINISTRATIVE RESOURCES where possible and minimise inefficient practices. Checking your emails compulsively and responding straight away, especially when you don't need to will mean it takes longer to get back to what you are actually working on.



#### 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.

#### OTHER THINGS TO REMEMBER

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 to complete. 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.

 STAY FOCUSED BY TAKING REGULAR SHORT BREAKS. Every 90 minutes is recommended. Stand up and look out the window, take three long breaths, drink water, 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.

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 longterm, even putting your health at risk.

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 you would have only 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.



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 in 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.

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 to complete the task at a later date, if possible. 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.

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.

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.

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 organisation's policies on IT, data, and the security of confidential client information. Then allocate matters into a timeframe for the day. There are also a number of productivity or "to-do" apps to help you keep on top of tasks you have. It will not always be possible to keep to the planned timetable as unexpected matters or tasks will emerge. However, by making a 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.

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 smaller to-do segments. Do not procrastinate and dismiss a task because it appears to be too difficult (or even too simple). 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.

It is an unfortunate fact of life that at some point most practitioners will come across a file that 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 into 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. 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 a source of embarrassment to the lawyer. In many instances, lawyers have watched a situation snowball to the point where it seems 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 the Law Society of NSW.

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 organisation's records.

#### SHOULD I RECORD EVERYTHING ON MY TIME SHEET?

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:

- You may be working very long hours but this is not evident and supervisors may assume that you are not committed or that you have been slacking. The organisation is not able to realistically assess how long matters take and what should be charged to the client.
- Opportunities to remedy inefficiencies are lost.
- Training or professional development opportunities are not recognised.
- 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.



# **YOUR FIRST COURT ATTENDANCE**

Going to court for the first time on your own can be very daunting. But here are a few tips for the various courts, which may prove useful.

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

- Try to prepare consent orders, or short minutes of order, 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.
- The NSW Bench Books are a valuable source of information and can be found at www.judcom.nsw.gov.au/category/publications/bench-books/

## SUPERANNUATION IN THE EARLY STAGES OF YOUR CAREER: A GUIDE BY LEGALSUPER

Starting your career is a very exciting time of life. Those years of study have finally paid off and anything is possible.

Although retirement planning may not be a top priority at the beginning of your career, taking some initial financial steps can help ensure your superannuation is working for you.

- Check your employer is paying the correct amount of super into your nominated fund.
- If your employer chose your super fund, check whether it is the right one for you.
- Consolidate multiple super accounts into one to avoid paying fees on multiple accounts.
- Make voluntary contributions on top of your employer's contribution. If you set up good saving habits early on, they will stand you in good stead for the rest of your life

– and the more you have in your account the more you also benefit from compound interest increasing your balance.\*

#### ADVISER ONLINE – SUPER ADVICE For All Ages and stages

Built by financial advisers, it can help you:

- Budget
- Set income and superannuation savings goals
- Determine how much insurance you may need to protect your income and assets, and
- Determine the right contribution and investment strategy to help you reach your retirement goals.

This tool is available only to members and





can be accessed through member's online accounts. For more information about Advisor Online please visit our website.

#### LEGALSUPER IS HERE TO HELP

Legalsuper offers personalised consultations to discuss your superannuation matters as part of a financial health checkup. Make an online booking or call us on 1800 060 312 to book an appointment.

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\*Please note there are limits to the amount that you can contribute to your super

### Words of wisdom

"If the pandemic has shown anything, it's that work can and should be a force for positive support to our psychological wellbeing. Work can give us structure, a way to make positive contributions. It can give us community. It can make us feel worthwhile and valued. It can give us human connections. It can give us dignity. Of course, workplaces should be safe. Of course, workplaces should not undermine a person's physical or psychological health or safety. A psychologically safe and healthy workplace is not one that simply does no harm to our psychological and mental health. Doing no harm should be a given. A psychologically safe and healthy workplace is one that is actually good for our psychological and mental health."

Remarks delivered at 2022 Minds Count Lecture High Court Justice Jayne Jagot



## ENCOUNTERING 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 relevant legislation and other legal procedures
- your employer's office policies, procedures, politics and systems
- · dealing with the people in the organisation/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 organisation has one). The Law Society's Solicitor Outreach Service is a confidential and dedicated counselling service for NSW solicitors. NSW solicitors can call SOS on <u>1800 592 296</u> for access to up to three psychology counselling sessions per financial year and 24/7 telephone crisis counselling with a psychologist.

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 human resources. 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 EAP, if applicable. They can provide you with coaching and supportive counselling,





take away some of the fear and get you started with free guidance.

For any interaction with the Law Society of NSW, or the OLSC the PCAP should be the first port of call – if only for reassurance. The panel does not provide legal advice, but some of the panellists can provide legal services; to be discussed separately and by retainer.

PCAP can assist on a whole range of professional conduct issues including practice problems, trust accounts, discipline, regulation, show cause and disclosure. The assistance is confidential and independent of the Law Society of NSW. They are experienced solicitors with many years of expertise in professional conduct.

Upon receiving a letter, timing and action is critical, explains PCAP member David Castle. "[PCAP] is available to provide help and a first line of support to practitioners who are in trouble of some sort," he says.

"When practitioners receive a letter, it is tempting to put it aside, try to forget about it and then suddenly panic: ignoring the letter will only compound the problem.

"A lot of the time, people hope the situation can be rectified or will go away because it is a case of misunderstanding but also, they want to know: 'how do I go about meeting the case against me'? And there is much we can do."

Fellow Panel member Jennifer Shaw from Bartier Perry Lawyers, who has in depth experience in acting for and advising legal practitioners in relation to professional disciplinary matters, notes that many practitioners only need "that initial phone consultation" for reassurance.

"It is difficult to be objective when the complaint is about you," she says.

"But I often hear from a practitioner that it feels like they have had a big weight lifted off their shoulders once they have spoken with the panel; and it makes sense, because upon

### Words of wisdom

"When we think about how to make our legal system more 'just', particularly in the broader sense of societal justice, it becomes apparent that the content of law is not enough. Social inequalities and inequities are often at the root of injustice."

Former NSW Supreme Court justice **Tom Bathurst SC** 





receiving a letter, people are worried that they have received an attack on their professional reputation and question whether they will be allowed to continue to practise."

Castle says the greatest concern is that it will put their practising certificate at risk, and with that, "their whole livelihood."

Members of the PCAP (formerly known as the Senior Solicitors Panel) have for many years provided help for solicitors facing disciplinary proceedings. Members of the PCAP can also give guidance on disclosure requirements.

For example, a panel member may suggest that you seek an extension of time to obtain legal advice, speak to an appropriate person at the Law Society of NSW, consult a specialist in the relevant area or contact the Solicitor Outreach Service.

Castle says the opportunity of speaking freely (without cost or obligation) to a senior solicitor – who has probably seen it all before – should not be missed.

Panel members not only have experience in such interviews but are kept up-to-date with regular meetings, case law and other relevant



materials provided by the Law Society of NSW.

"Professional practice is not easy, particularly when considering the unique challenges brought about by COVID-19," Castle says. The pandemic has exacerbated mental health problems, which are rampant in the community – and the profession is not exempt.

"Questions of concern to any solicitor may include ethical or conduct problems in daily practice, costs, consumer complaints and trust account issues."

Anyone facing conduct issues will need to be aware of relevant statutory provisions, case law and practice and procedure. Navigating your way through this jungle requires expert assistance. Panel members can steer you in the right direction.

There are many statutes governing professional conduct. Important and relevant cases are also being decided all the time by the courts and tribunals. Recent decisions include an analysis of what is a "complaint", fitness and propriety and the difference between removal from the roll and cancellation of the practising certificate.

Panel members will be able to provide guidance, from experience, of who to talk to and where to go for further help and information. Whether you have experienced conduct problems in your professional life or have had a complaint made against you, the PCAP should be your first port of call for reassurance and direction.

Castle says there "is usually a huge sense of relief" for solicitors just talking to an experienced and sympathetic person.

"People appreciate having that sounding board," he says.

"We are people with lots of experience and it is free to contact us. My advice, for practitioners who receive a 'show cause' or another letter from the regulator is 'do it now. The longer you leave it, the worse it gets'."

## STARTING A CONVERSATION ABOUT MENTAL HEALTH IN THE WORKPLACE

Mental health conditions are common, with around 20 per cent of Australians affected every year, yet broaching the topic is still taboo in many organisations – even though there's far less stigma now than before the pandemic.

You are not required to share details of a mental health condition with your employer unless your condition affects your ability to do your job safely; but for some people, talking openly can help to improve mental health. And it can reduce the stigma-type attitudes and fear that come from people who don't understand mental illness.

Here's how to decide whether to talk to your workplace about a mental health diagnosis, and how to manage the conversation.

#### ANALYSING THE PROS AND CONS

The first step is to figure out whether you're comfortable talking to your workplace about your mental health condition. It's a big decision, especially for lawyers, explains executive coach Rachel Setti, director of Thriving Edge Coaching and Consulting.

"The biggest concern is often that it's going to be a career-limiting move," she says. "In law it might be something that people are even more concerned about than in other professions."

Likewise, Jessica Kaaden, people and communications director at SANE, which supports people with complex mental health issues, says many workers decide not to share their diagnosis "out of fear that their manager or colleagues won't be supportive".

To figure out if this is likely to be the case, she recommends examining general attitudes and identifying any support mechanisms that may be in place at your workplace. "Does the employer have a mental health strategy in place? Does the employer participate in mental health awareness days? Has your manager expressed any views on mental health?"

Ultimately, the decision to disclose or not to disclose is personal, and highly dependent on your employer, says Kaaden. "There are some organisations who will do an absolutely fantastic job of addressing mental health as a significant issue and taking steps to break down the stigma and make support available to employees. But there are other organisations that aren't as progressed in that journey.

"Each person should weigh the pros and cons of disclosing to their workplace based on their own situation."

#### **RECRUITING EXTRA SUPPORT**

If you decide to initiate a conversation about your mental health with your manager, it can be helpful to enlist the support of the organisation's mental health first aid officer, head of people and culture or someone else with mental health training or awareness.

"This helps to facilitate an easier and more constructive conversation," says Mary Digiglio, a managing partner at Sydney law firm Swaab and also a board member of the Minds Count Foundation, which promotes psychological health and safety in the legal community. "That's not to say that the manager won't have these skills or awareness, but it's an effective way to make sure the conversation is being held with the best amount of support possible."

If your mental health issue is being exacerbated by your manager or working environ-



66 Fear around having to hide a mental health condition can really exacerbate the condition itself. <u>Being open</u> can really improve what people can do at work. **?** 

ment, there's extra impetus to recruit support, Digiglio says. "If it's a broader issue around, for example, the organisation's culture, the mental health first aid officer can walk away with some action items after talking with you. It's not just up to the person who has the mental health issue and their direct manager [to find a solution]."

#### SETTING A GOAL

Having clear motivation for your disclosure and a goal for the meeting can help to frame the conversation. "Be quite clear about what it is you need from the organisation – it's okay to have specific requirements," Setti says. "Perhaps you need Thursday afternoons off for appointments with your psychologist. It can make their job supporting you easier if [what you need] is more tangible."

Kaaden agrees that a focused conversation can help you access support and adjustments "that you may need to either be able to stay at work or to support your recovery". These might include flexible working arrangements during challenging periods, late starts if medication causes drowsiness, and understanding that your performance may be impacted during acute episodes.

"Fear around having to hide a mental health condition can really exacerbate the condition itself," she says. "Being able to be open can really improve what people can do at work."

Before the meeting, give your manager a heads-up that you plan to discuss a mental health issue, and consider who else at the organisation you're comfortable with knowing about your diagnosis. Setti says allowing your diagnosis to be shared beyond your manager and even the mental health first aid officer can better facilitate access to support.

"A lot of managers feel like they're out of their depth because they're not mental health practitioners," Setti says. "If you can say to your manager that you're happy for HR to get involved, it makes everyone's life a lot easier because HR has more tools, techniques and

## KNOWING THE SIGNS OF VICARIOUS TRAUMA

**BY DANIELLE DE PAOLI** 

As lawyers, we are conditioned to be strong as we advocate for our clients, often putting our own needs to the side.

However, sometimes we need to be our own advocate, especially when it comes to the risk of developing vicarious trauma from our work.

Vicarious trauma describes the shift in your attitude and views after prolonged exposure to the trauma of your clients. However, it does not impact lawyers alone. It has the potential to affect support staff too, including paralegals and legal assistants.

#### SIGNS TO WATCH OUT FOR

Whether you are a young lawyer or an experienced practitioner, you are not immune to the risk of vicarious trauma.

While the effects vary from person to person, common symptoms include disturbed sleep, intrusive thoughts and hypervigilance for your family's safety.

Vicarious trauma does not mean burnout, although sometimes they go hand in hand. The significant difference is that vicarious trauma has the capacity to change your core beliefs.

For example, shortly after I set up my organisation's NSW abuse law practice, I remember being extremely anxious about my oldest child going away to school camp for the first time.

I delayed signing the permission form for weeks. Even after I decided he could go, I insisted on giving very specific instructions about the clothing he should wear to sleep.

When I raised this with a psychologist during our regular team supervision session, they told me it was a classic case of vicarious trauma.

#### **REDUCING THE RISK**

While it is not possible to 'bullet-proof' yourself from vicarious trauma, there are steps you can take that can help minimise the risk.



Danielle De Paoli is a Special Counsel at Maurice Blackburn where she heads the

firm's NSW abuse law practice.

#### Your EAP

Most organisation's have an Employee Assistance Program (EAP) Beyond Blue Mental health support 1300 224 636 beyondblue.org.au Lifeline 24 hour crisis hotline 131 114 Lifeline.org.au

#### SOS

The Law Society's Solicitor Outreach Service **1800 592 296** 

In an emergency Call 000 immediately

HELP IS ALWAYS AT HAND



Different strategies work for different people, but some ideas include:

- Understand your role Trying to 'fix' all your client's problems increases the risk of vicarious trauma. Remember, you are their lawyer, not their social worker or counsellor.
- Leave work at work Don't take work home with you. If you're working from home, turn your computer off and close the door to your workspace. Find an immediate distraction from work, such as calling a friend, listening to a podcast, or playing with your kids.
- Take care of yourself physically Make sure you are eating well, exercising, and having sufficient sleep.
- Seek personal connections Ensure you have some strong, supportive people around you, both at work and in your personal life.

 Have some personal time – Read a book, learn a new skill or be creative.
At work, take your lunch break and book annual leave regularly so you can properly switch off.

#### WHERE TO GET HELP

If you find yourself struggling with the content of your work, have an honest conversation with your supervisor and devise a plan to manage your wellbeing and work simultaneously.

It would be a rarity that your employer would choose to not support you. If they are not aware of your challenges, they are unable to help.

You can also seek professional help through your employer's Employee Assistance Program, a referral from your GP or by contacting a counsellor or psychologist directly.

### CAN YOU SAY 'NO' TO YOUR BOSS? BY CARLY STEBBING

In an effort to maintain personal wellbeing sometimes we need to say no, but can you say 'no' to your boss? Yes, sometimes you can.

As an employee, you are obliged to comply with reasonable and lawful instructions from your employer. A direction will be lawful unless it is unlawful and whether it is reasonable will depend on the reason the employer is issuing the direction and the impact it has on you. It may include consideration of whether you were consulted on the need to issue the direction.

Here are some examples of reasonable and lawful directions for lawyers:

- To show up to work on time (virtually or otherwise);
- To comply with your professional obligations;
- To act in the best interests of your employer and clients;
- To deliver work to the deadlines set by your employer or client, so long as they are reasonable (this can be a tricky one to assess); and
- To achieve your billable hours in a day/ week/ month/ year, so long as the work is available and the targets are reasonable.

### HERE ARE SOME EXAMPLES OF THINGS YOU CAN SAY 'NO' TO:

- Working excessive hours;
- Taking annual leave or unpaid leave when it does not suit you;
- Attending out of hours events;
- Responding to emails and calls out of hours; and
- Working public holidays.

Why can you say 'no' to these requests I hear you ask? Well, this is because many relate to the workplace rights you have under the National Employment Standards ('NES'). Let me walk you through it. The NES are the minimum standards applicable to most lawyers in Australia. They include maximum weekly hours, annual leave and public holidays.

You can refuse to work unreasonable additional hours,

## The checklist

### IN DETERMINING WHETHER ADDITIONAL HOURS ARE REASONABLE, THE FOLLOWING MUST BE TAKEN INTO ACCOUNT:

Risk to health and safety; Personal circumstances, e.g. family responsibilities; Needs of the workplace:

Compensation, role and responsibility, e.g. if you are a junior lawyer on a low starting salary and you are not being offered overtime or time off in lieu, it will be less reasonable than a partner earning \$250,000;

and

Amount of notice given.

If having considered these factors, you do not think your employer's request to work additional hours, attend an event, or reply to calls, texts or emails out of hours is reasonable, you can say 'no'. being hours in excess of 38 hours per week for full-time employees and in excess of your agreed hours, if you work part time. Annual leave is another NES entitlement and it requires leave to be taken by agreement. You can only be directed to take annual leave where the requirement is reasonable, e.g. you have excessive leave accrued or the organisation is being shut down, for example over Christmas and New Year. If the organisation is not being shut down or you do not have enough annual leave accrued to be paid for the shut down, and you haven't agreed to take unpaid leave (check your contract, sometimes you agree to take unpaid leave when you commence employment), you can say 'no'.

Similarly, public holidays are covered by the NES. You are entitled to be absent from work on a public holiday and receive your usual pay (if you are permanent and it was a day you would normally work). An employer may only require you to work on a public holiday if the request is reasonable. The factors for determining reasonableness are similar to those for additional hours above. If, after considering them, you do not consider the request to be reasonable, you can say 'no'.

But what if my employer punishes me for saying 'no'? Well, welcome to your general protections. An employer cannot take adverse action against you for exercising a workplace right. That includes asserting your rights under the NES. If your employer does take adverse action against you for exercising a workplace right, you can commence a 'general protections' claim in the Fair Work Commission or the Federal Court, depending on the circumstances. Claims can be made both during the course of employment and on termination of employment. The time limitation on termination of employment is 21 days from the date the termination is effective.

Personally, I have made it a practice at work to say 'no' to tasks that exceed my personal capacity and boundaries. When I was a junior lawyer at a mid-tier law firm, I routinely got into the office at about 9am. A peer got in real early every day and my supervising partner noticed. The thing is, I have always known my work value and I knew that I always hit budget while my peer did not. So one morning, my supervising partner popped his head in to observe my start time compared to my peer, inferring I should come in earlier. I replied with the facts and said 'I deliver my work on time, I meet all of my deadlines, and I make or exceed budget every month. I know [peer] doesn't'. My partner nodded, smiled and walked away. I carried on getting to the office about 9am.

In short, in order to maintain your boundaries and know whether you can say 'no', you need to know your workplace rights and assert them. A good starting point is to read your contract, understand the NES, slay at work but also know when it's fair to say 'no'. 66 I have made it a practice at work to say 'no' to tasks that exceed my personal capacity and boundaries. ??

#### **Carly Stebbing**

is an award-winning employment lawyer and the founder of Resolution123, a virtual employment law firm for employees. Carly is a member of the Law Society's Employment Law Committee.



### **BUILDING YOUR PROFILE BY FIONA CRAIG**

### What does it mean to network? Here's a handy guide.

Banish the words "too junior" or "too young" from your vocabulary. It's never too early to start developing your networks. Lately, I am being asked increasingly to facilitate young professionals' networking events. Peer-to-peer networking is the ideal way to increase your future client base.

#### You are your brand,

so everything you do - from how you speak to people to whether your emails are spellchecked - reflects on you. Your product can be your best form of business. Always try to make a good impression. Business development doesn't have to be "networking" in a room full

of strangers. One way to think of it is as "maintaining your network". Keep in touch with former colleagues, university friends and acquaintances. LinkedIn can be a great tool for

### Be interested in people.

Leave your desk and form relationships. You never know where your next referral might come from.

Help others. Can you connect an old colleague moving to a new role with someone you know at their new workplace? It doesn't cost you anything, it feels good, and you have made your network interconnected.

## 🕉 MAKING YOUR NETWORK WORK FOR YOU

NEVER BURN YOUR BRIDGES: You never know where someone is going to end up. When I launched SmartWomen Connect, my first corporate host came through a contact I had when I worked in legal recruitment 15 years ago. We had stayed in contact via LinkedIn and social media and he contacted me when he saw what I was doing.

- UNDERSTAND EXPECTATIONS: You can't create your future without knowing what is expected of you. If you want to be a partner, have the career conversations about what is expected as early as you can. There is nothing wrong with having ambition and voicing it.
- MAKE A PLAN: You have a day job that involves having to bill a certain number of hours. That will take precedence and you might forget about networking and business development because you are too busy. That's where a plan comes in. If you know what you are going to do, and diarise it, you are more likely to do it.
- **GET KNOWN AND SPEAK UP:** Speaking is one of the quickest and most effective ways to build your network and your reputation. Get involved with industry associations. Attend events and ideally offer to speak. The sooner you develop your public speaking skills the easier you will find it to build your profile.

# this.

### **Fiona Craig** is a professional

speaker, trainer and coach who works with groups and individuals in the legal profession.

### NOTHING GOING ON BY ANGELA TUFVESSON

EXTRACURRICULAR

Introducing 'niksen', the Dutch philosophy of doing nothing set to change the way you relax and recharge.

The Danish introduced us to 'hygge', a feeling of cosy contentment that promotes enjoyment in the simple things in life. From Sweden, we borrowed 'lagom', the moderation philosophy that's all about finding balance. And now, from the Netherlands, there's 'niksen': the art of doing absolutely nothing. Niksen promises to help you de-stress, relax and recharge. It's as simple as lazing in bed, staring out the window or listening to music – without any purpose whatsoever.

#### TWIDDLING YOUR THUMBS

Niksen is "to idle, to lounge around, to sit around ... to hang about, to do nothing much, to stand around", writes Carolien Janssen in Niksen: The Dutch Art of Doing Nothing. People watching at the park, laying on a deck chair in the backyard, daydreaming and literally watching paint dry all fit the bill.

Importantly, doing nothing the Dutch way means there's no purpose or end goal, no self-improvement, ambition or sense of achievement. Niksen is gloriously unproductive and indulgent. It's not about using your weekends or evenings to clean out your linen closet or learn to bake cinnamon scrolls – or feeling guilty because you haven't ticked the jobs off your to-do list.

"There's much to be said for doing nothing without any goal or structure - to just be and to just allow whatever happens to happen," says Dr Timothy Sharp, founder of The Happiness Institute. "Too many of us are so focused on always being constructive and productive that we've lost the art of doing nothing." Whereas mindfulness focuses on being in the moment, niksen is more flexible, says clinical psychologist Dr Joyce Chong from The Skill Collective. "Mindfulness has an emphasis on being present in the here and now, whereas niksen does not have such temporal constraints," she says. "If your mind wanders, you can follow it down that rabbit hole rather than bringing it back to the present moment as you would be encouraged to in mindfulness."





### HEALTHY MIND

Research shows detaching from the day-today and spending time in simple reflection and contemplation are essential to health and personal growth. There's even evidence to suggest that doing nothing is crucial for innovation and creativity, and that inactivity might spark new insights. Have most of your great ideas when you're staring out the window or in the shower? This is why doing nothing is just as important to wellbeing – and, conversely, productivity – as doing something.

"What might appear to be doing nothing is, more often than not, reflection and contemplation, and in some ways a form of meditation," says Dr Sharp. "And we know from much research that these all lead to fewer negative emotions such as stress and anxiety, as well as more positive emotions such as happiness and calm. Taking time out from busyness can also aid creativity and problem solving, as well as clarity of thought and decision making."

He says we can't be on all the time, and when we try to be, we just end up exhausted, burnt out and unproductive. "The happiest and most successful people, including elite athletes and sportspeople, recognise the need to rest, recover and recuperate," says Dr Sharp. "And notably, they also recognise that this time spent being 'off' ultimately allows them to be better 'on' when they need or want to be."

### A DIFFICULT BALANCE

The trouble is, of course, that life is busy, whether you're doing long days in the office or juggling working from home with home schooling during a global pandemic. Which means that niksen is more important for our wellbeing than ever – and more difficult to achieve.

"As we remain busy and alert, more neural connections are formed through functional parts of our brains that impact on stress and emotional regulation," says Mandy Taylor, director of clinical services at the Cairnmillar Institute.

This can result in what psychologists call 'emotional hyperactivity', which makes it harder to find time for rest and memory processing. "The visible impact of this is an increase in anxiety and changes in mood," says Taylor.

When we try to offset this with healthful activities like exercise or other hobbies, it's easy – and, indeed, acceptable – to instead focus on goals and achievement, which Taylor says can reinforce emotional hyperactivity.

#### NIKSEN IN ACTION

So how do you go from doing lots of things to doing nothing much at all? The most important thing to understand about niksen is that it takes practice.

"If you're a particularly active person who likes to move things along and keep things happening at a fast pace, accept that doing nothing is going to be something that's uncomfortable for you," says clinical psychologist Dr Glen Hosking, a lecturer in psychology at Victoria University.

"It's about resisting the urge to go back to those old familiar patterns of doing things. Accept that it's going to take time to adjust. Normally people become much better at being able to do less if they gradually increase the amount of time they are engaging in the behaviour."

To help you adjust, Dr Chong suggests doing nothing in a location you don't associate with productivity. "Sit in your backyard or balcony, rather than at your desk, and leave your phone somewhere you won't notice it," she says. "When doing nothing in these new surroundings becomes easier, you can then practice niksen in locations that you traditionally associate with being productive."

Taylor recommends consciously setting aside expectations of achievement. "Remind yourself this is caring for your neurobiology," she says. "We all have different forms of achievement guilt, and our cultures often do not value space to recharge or space to self care. Remind yourself that this practice will actually improve performance in times when you are busy and increase the sustainability of a busy lifestyle.

"While we focus on times of not having a purpose, niksen has a clear purpose."



Angela Tufvesson is an Australian freelance journalist, editor and content creator based in Hong Kong. She writes about health, sustainability and lifestyle.

# THE DOS AND DON'TS OF NETWORKING

### **BY ROBYN HENDERSON**

Love it or hate it, networking is a skill that helps you manage your personal brand, secure your next position, and keep you up-to-date. Stop scrolling on your phone in the corner and start mingling.



### CHANGE YOUR MINDSET – It's more about giving Than receiving

Give in order to help another person, rather than with the expectation of getting something back immediately. Maybe you have a contact or some information you can share. Be sincere, as people can sniff selfinterest a mile away.

### PREPARE

Robyn Henderson is a global networking specialist Before booking into an event, ask yourself: why am I going and what do I want to achieve? This could be as simple as: I want to meet four new people. "My research shows that one in four of the strangers you meet will become a good connection," says Henderson. Get an idea of who will be coming to the event beforehand, and if there is someone you really want to meet, look them up on LinkedIn first so you can put a face to a name. Or, ask someone who you know will be attending, for an introduction.

### **LISTEN AND ASK QUESTIONS**

Great networkers are generally great listeners who believe that

every single person they meet is incredibly interesting and has much to contribute to any conversation. So focus on having quality conversations not quantity. If you try and spread yourself too thin, you won't have any meaningful conversations. Prepare a few ice-breakers if you feel the need – they don't have to be work related.

### ACT LIKE THE HOST, Not the guest

Look for people who are standing by themselves or looking a bit hesitant. Start a conversation with them. Say, "Hi, my name is..., mind if I join you?" or introduce them into your group.

### **FOLLOW UP PROMPTLY**

If you make a good connection with someone at an event, follow up within 72 hours. This could be as simple as connecting on Linkedin (LinkedIn is a very important platform for lawyers!) Or you can send that e-book, or article link that you promised to share. If there is a clear reason to reconnect, send an email asking for a brief phone call, or a catch-up coffee, at a convenient time.



## THE DOS AND DON'TS OF NETWORKING

## X DON'T

### HANG OUT WITH YOUR OWN COLLEAGUES

Our natural tendency is to mix with like-minded people who we know well. But that's not going to open up new opportunities for you. By all means arrive with a few colleagues, but after that make a conscious decision to move out of your comfort zone.

### **BE A SHARK**

This is the person who's cruising the room, making a beeline for the far corner where the truly "important" person is. Along the way he has distracted conversations with people he considers inconsequential, looking over their shoulder, barely paying attention to what they are saying. This is not only insulting it's very foolish. You never know what contacts or valuable information the "inconsequential" person might have.

### VIEW NETWORKING AS ONE-OFF EVENTS

Instead, see networking as a valuable life skill that happens 24/7. Networking opportunities arise all the time, at social or cultural events, or in sporting groups. People want to do business with people they know, like and trust, and they are more likely to trust you if they have interacted with you in a range of contexts.

### **NETWORK TOO NARROWLY**

A common trap many people fall into is networking only within their industry or profession. However, it's people with diverse networks who enjoy greater economic opportunities. So think broadly – where might potential clients gather? What other industries might have key information or contacts relevant to your work?



### Words of wisdom

"Although we have inherited these colonial structures, we still have control over what life we bring to these structures and what we do with these structures to serve the community. In order to transform our profession, we need to inhabit our structures with people from diverse groups who will offer fresh and challenging perspectives. This requires a profession which is inclusive and open to difference."

> NSW Supreme Court Justice Hament Dhanji



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The new Bupa Corporate Choice range provides refreshing levels of choice, flexibility, and value. With extras cover from under \$7.50 a week\* and flexible ways to use limits, it's the choice you'll love. You can choose to take just Hospital, or just Extras or a combination of both. In other words, you have the choice of cover that's right for you at almost any stage in life – because you choose how you use your extras. Now that's choice.

### WHY CHOOSE BUPA CORPORATE HEALTH INSURANCE?

Here are a few ways we aim to make sure our corporate members get more value from their health cover through our hospital and extras benefits:

Save on Massage, Physio, Chiro and other services Feel the difference with up to 70 per cent back on your first Massage, Physio and Chiro and other services at Bupa-recognised providers<sup>^</sup> up to yearly limits.

## Up to 70 per cent back on Extras, at Bupa-recognised providers^

Have a favourite provider? A preferred Dentist or Massage therapist? Now you can get up to 70 per cent back on any Extras claims at Bupa-recognised providers up to yearly limits.

### Ambulance cover you can count on

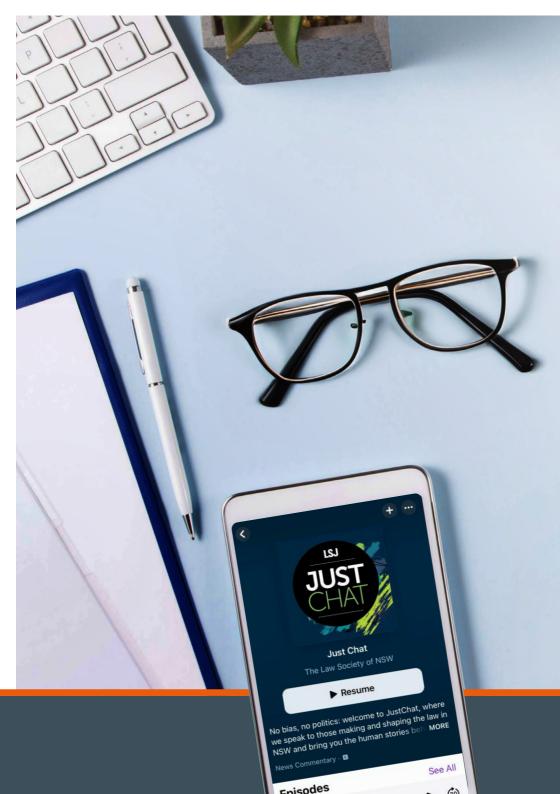
All policies include unlimited emergency ambulance cover, while Corporate Silver Plus Extensive and Corporate Gold Comprehensive Hospital also include non-emergency ambulance (provided by recognised providers) capped at \$5,000 per person each year.\*

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To help you manage your health, get up to 70 per cent back on eligible gym memberships, personal training or mole mapping services at Bupa recognised providers, up to yearly limits #

\*Based on Corporate Choice 50 Extras, including base tier rebate for single located in NSW, aged &Es as t14/11/23 without any discount applied. Yearly limits, waiting periods, fund and policy rules apply. A Extras services providers must meet certain requirements to be recognised by Bupa and for us to pay towards the cost of your treatment. Before you book a treatment or service, it's a good idea to check with us so we can confirm whether we recognise the provider you're planning to visit. Yearly limits, waiting periods, service restrictions (clinical reasonability rules), fund and policy rules apply. + Emergency is broadly defined as an unplanned event where a patient's life may be at risk and they need medical treatment immediately. See Bupa's Fund Rules for a comprehensive definition. Waiting periods, fund and policy rules apply. # On selected extras products. Bym members hips and personal training will only be claimable when the exercise program is designed to address or improve a specific health or medical condition though - for example, diabetes. Yearly limits, waiting periods, fund and policy rules apply.





## NO BIAS NO POLITICS JUSTCHAT

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## **NSW YOUNG LAWYERS**

NSW Young Lawyers is a Committee of the Law Society of NSW that represents the Law Society and its members on issues and opportunities arising in relation to young lawyers i.e. those within their first five years of practice or up to 36 years of age.

Through its 15 sub-committees, each dedicated to a substantive area of law, NSW Young Lawyers supports practitioners in their professional and career development by giving them the opportunity to expand their knowledge, advance their career and contribute to the profession and community. Every year NSW Young Lawyers also has a patron and supports a designated charity.

### To be eligible to receive communications from NSW Young Lawyers, you must be:

- A member of The Law Society of NSW; and
- Under 36 years of age; or
- Within the first five years of your admission to practice in NSW.

### By getting involved with NSW Young Lawyers you can enjoy

- Professional development: Continuing legal education, including seminars by legal thought leaders
- Influencing the legal profession: Submission writing, involvement in professional roundtable discussions and interaction with Law Society parent committees
- Engagement with the legal community: Leadership opportunities, including midyear and annual assemblies
- Social events: The highly popular Golden Gavel event, Welcome to the Profession celebrations and other networking nights featuring keynote speakers
- Personal development: Mentoring opportunities and soft skills training



### **OUR SUB-COMMITTEES**

- Animal Law
- BushWeb Regional Issues
- Business Law
- Civil Litigation
- Communications, Entertainment and Technology Law
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- · Family Law
- Human Rights
- International Law
- Property Law
- Public Law and Government
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- Taxation Law
- Workplace and Safety Law

## **BECOME A MEMBER OF THE LAW SOCIETY OF NSW**

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Your first years of practice can seem like a daunting and overwhelming time, but we are here to support you in taking the first steps of your legal career journey and setting the foundations for a long and prosperous future in law.

The Law Society of NSW exists to amplify the voice of the legal profession; together we can develop policy and advocate change. As a member, you can enjoy access to an unrivalled range of legal resources and exclusive offers from our Member Connexions partners, experience LSJ Media's award-winning content online or in print, including a digital archive with issues dating back to 1963 and get the news you need to know every week with our Monday Briefs newsletter, where you can stay up-to-date on legal current affairs, legislative and regulatory changes, training and events.

### OUR EVENTS

The Law Society of NSW hosts a range of exciting events and programs each year designed to support our members and the profession through face-to-face, online and on-demand events covering everything from inspiring thought leadership forums to gala dinners. In addition, our LawInform portal hosts one of the largest CPD programs in Australia.

### OUR PUBLICATIONS

Every month the Law Society of NSW publishes Debrief, a digital publication exclusively available to those signed up to receive NSW Young Lawyers communications. Debrief includes columns by the Law Society's ethics specialists, legal updates relevant to those in the first five years of practice and the podcast Brief Exchange, where the Law Society's journalists sit in conversation with young lawyers from a wide range of areas and specialities to unpack the lessons they wished they knew at their start of their legal career and their professional goals.

As a member of the Law Society of NSW, you will also receive a copy of LSJ Media's flagship publication, the print quarterly Law Society Journal. This award-winning magazine features essays from leaders in the profes-

## Worth a follow

**Thomas Russell** is one of the state's leading business lawyers and believes that LinkedIn and networking helped him build a law practice. He has over 5,000 followers on LinkedIn and in a podcast conversation with LSJ's Just Chat, he shared his best tips for networking and congratulating someone for their work anniversary on LinkedIn. Listen wherever you get your podcasts.







66The Law Society of NSW exists to amplify the voice of the profession; together we can develop policy and advocate change. ??

sion, profiles of leading law makers, investigations and features from the Law Society of NSW's experienced journalists, ground-breaking thought leadership, a technology news section, a dedicated arts and culture hub, comprehensive coverage from regional NSW and deep dives into law reform and advocacy.

Members also receive the quarterly Ethics and Standards Quarterly. This new publication aims to provide the profession with more information about the co-regulatory role of the Law Society and the outcomes it achieves through regulation.

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JustChat is LSJ Media's monthly podcast, featuring conversations with those making and shaping the law. Guests have included Teela Reid, Thomas Mayo, Bri Lee, former Federal Court Chief Justice James Allsop, Law Society of NSW's President's Medal recipient Nicholas Stewart, playwriter Suzie Miller, international human rights law campaigner Bill Browder, Amani Haydar, entrepreneur Courtney Bowie and District Court Judge Kara Shead SC. Visit www.lsj.com.au for a full list of episodes or search "Just Chat" in your preferred podcast player. @lawsocietyofnsw @nswyounglawyers @lsnswstudentservices



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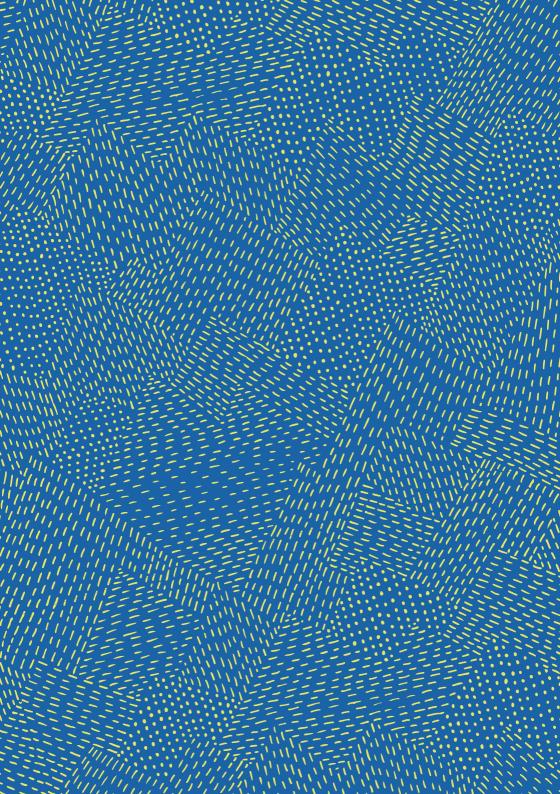
### THRIVING IN LAW: PREPARING FOR YOUR LEGAL CAREER

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### Tips and tricks to get your legal career off the ground

Get a head start on your legal career journey with expert tips and knowledge from the Law Society of NSW - from choosing the right organisation, to your first court attendance to understanding the importance of looking after your physical and mental wellbeing.



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