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James McMillan and Rob Lilley

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WHY ISN'T ALL LEGAL EDUCATION PRACTICAL?

JAMES McMILLAN & ROB LILLEY *

In this article, the authors draw on their experience as law academics, practical legal training ('PLT') instructors, and as legal practitioners, and argue that reform of legal education to better meet the expectations of the profession and community requires a re-evaluation of the continuum of legal education, from commencement of primary law studies (ie, Bachelor of Laws 'LLB' or Juris Doctor 'JD') until first admission as a legal practitioner, and potentially beyond. To focus solely on the deficiencies of the current approach to PLT, as has recently played out in the media, is to miss the point. As the title of this article suggests, would it not be better to integrate 'practical' training throughout a trainee lawyer's legal studies? As this article demonstrates, there is duplication between primary legal studies and PLT and removing that duplication can help to reduce the burden and cost of a separate PLT program. In reconsidering the pathway to legal practice, there is scope for much of the necessary 'practical' training to be delivered during primary law studies and thereby reduce the need for students to complete a lengthy and costly postgraduate PLT course.

I INTRODUCTION

This paper is the third in a series of articles published in this journal which address the current approach to practical legal training ('PLT') in Australia.¹ As noted previously,² in every jurisdiction in Australia, PLT represents the final hurdle for most, if not all, aspiring legal practitioners. PLT emerged in its modern form in Australia in the 1970s, to:

...overcome the inadequacies of articles training by providing training in the essential skills and major areas of practice so as to ensure that a person entering the legal profession can function at a standard of competency which can reasonably be expected of a first-year practitioner.³

There is emerging evidence that the current form of PLT in Australia does not achieve this goal.⁴ The purpose of this article is to consider alternative ways to train new legal

* Dr James McMillan is a Lecturer at Charles Darwin University and was previously the Practical Legal Training Course Lead at Curtin Law School. Rob Lilley is a Lecturer at Curtin Law School and the Principal Lawyer of the John Curtin Law Clinic.

¹ Rob Lilley and Christina Do, 'What Should an Entry-level Lawyer Look Like in a Post-COVID World?' (2022) 1 *Western Australian Law Teachers' Review* 19; Jim McMillan and Rob Lilley, 'After Law School: A Critical Evaluation of Practical Legal Training in the Australian Context' (2024) 2 *Western Australian Law Teachers' Review* 1.

² McMillan and Lilley (n 1) 1.

³ Frank Langley, 'Preparing for the Practice of the Law: Post-Graduate Pre-Admission Training in Australia' (1985) 3(2) *Journal of Professional Legal Education* 81, 82.

⁴ Lilley and Do (n 1) 24; Francina Cantatore, Tanya Atwill and Rachael Field, *The Job Readiness of Law Graduates and Entry Level Solicitors in Private Practice* (Final Report, 1 December 2022) 73–8.

practitioners to better meet the needs of the legal profession and the broader community. It is too early in the debate about the future of professional legal education in Australia to be definitive about one approach or another. However, it is appropriate as the debate evolves to ensure that all options for improvement are on the table, and this article is a contribution to that debate. In this article, we argue that consideration should be given to making primary legal studies (Bachelor of Laws 'LLB' or Juris Doctor 'JD' – in this article referred to as 'academic' law study) more practical and thereby reduce the need for further postgraduate PLT study for most new legal practitioners, whilst ensuring that the effectiveness of legal education and the outcomes for students are enhanced.

II THE ORIGINS OF PLT IN AUSTRALIA

Most Australian jurisdictions, including New South Wales, South Australia, Victoria, Queensland and the Australian Capital Territory, introduced PLT courses in the 1970s and 1980s as a replacement for the former articles-based training approach, and completion of PLT progressively became the sole pathway to legal practice for a law graduate. The PLT course (known as 'Legal Workshop') taught at the Australian National University in the Australian Capital Territory accepted its first students in 1972.⁵ The South Australian PLT course commenced in 1976.⁶ Western Australia was the last Australian jurisdiction to adopt the PLT model in 2010.⁷ Numerous PLT courses are now available in Australia, delivered by both university and non-university providers.

There is an extensive body of academic literature about PLT in an Australian context, with a dedicated journal (the *Journal of Professional Legal Education*)⁸ published between 1983 and 1998 by the Centre for Publication & Information of the College of Law on behalf of the Australian Professional Legal Education Conference.⁹ A perusal of the index to the 16 volumes of that journal indicates the extent of scholarship at that time about the development of the Australian approach to PLT, much of which still resonates to an interested reader in 2025 and therefore remains relevant to reviews of the Australian PLT approach.

The lead author of this article was a student in the PLT course delivered by the South Australian Institute of Technology in 1985, described by Burnett.¹⁰ The course was taught full-time (ie, 9am to 5pm each day) over a three-term academic year, with a mandatory attendance requirement, and all students completing 15 days of external legal workplace experience placements. The course was taught through a workshop format, simulating a legal practice environment, with students allocated to small 'firms' of 3 students each, with interaction between the 'firms' in undertaking various tasks. Most PLT students were then

⁵ Alan Hogan, 'The Legal Workshop at the Australian National University Canberra, A.C.T.' (1983) 1(1) *Journal of Professional Legal Education* 1, 2.

⁶ Elizabeth Burnett, 'The South Australian Course in Legal Practice' (1983) 1(1) *Journal of Professional Legal Education* 24.

⁷ Lilley and Do (n 1) 21; Kelli MacMillan, 'The End of an Era: WA Farewells ATP' (2010) 37(8) *Brief* 35.

⁸ Available online at <<https://heinonline.org/HOL/Index?index=journals/proleged&collection=journals>>.

⁹ Christopher Roper, 'Editorial' (1983) 1(1) *Journal of Professional Legal Education* i.

¹⁰ Burnett (n 6).

admitted to practice in December, following completion of the course. At that time, a newly admitted legal practitioner in South Australia was entitled to an unrestricted practising certificate, and although not common, some new practitioners would establish their own firms (either alone or with other practitioners) immediately after admission. Of course this is no longer possible, with a new practitioner now required to complete a period of supervised legal practice, and subject to a further requirement to complete a practice management course, before obtaining an unrestricted practising certificate. Nevertheless, the historical point is somewhat relevant, with the emphasis of the early Australian PLT courses (at least in part) being the development of skills to allow a new practitioner to run their own legal practice. Times have changed and the issues and concerns that led to the introduction of the first Australian PLT courses in the 1970s are not the same as those facing new practitioners and the profession more than 50 years later in the 2020s. This reality should be reflected in any review now undertaken of the adequacy of contemporary Australian legal education. The demands placed on new practitioners in the mid-2020s should now be the primary focus of any redesign of the Australian approach to practical legal education in the future, with an emphasis on teaching students how to perform the type of tasks new practitioners are likely to encounter in their early years of practice to meet the demands of the legal profession for new practitioners who are better equipped with the necessary skills required for legal practice (referred to in this article as 'practice ready').

III THE MOVEMENT FOR CHANGE TO PLT

We previously wrote about the initiative of the Council of Australian Law Deans for a reconsideration of the adequacy of legal education in Australia (including both the Priestley 11 requirements and the PLT standards set by the Law Admissions Consultative Committee 'LACC') in preparing law graduates for professional practice.¹¹ In that article we described the current approach to PLT in Australia, including a broad description of how PLT courses are structured. We also noted a recently published study on the attitudes of legal practitioners, which indicates widespread dissatisfaction with the level of 'work-readiness' among newly admitted legal practitioners in Queensland.¹² Since then, there has been further impetus for change, especially following a speech given by the Honourable Andrew Bell, Chief Justice of the New South Wales Supreme Court, at the 2025 Opening of Law Term Dinner on 6 February 2025.¹³ In that speech, His Honour expressed concern about the cost of PLT courses and also about their quality and content, with a particular focus on the course offered by the NSW-based College of Law.

Reflecting these concerns, the NSW Legal Profession Admission Board ('LPAB') sponsored a survey of practitioner attitudes to PLT, the results of which were the subject of a statement

¹¹ McMillan and Lilley (n 1) 6.

¹² Cantatore, Atwill and Field (n 4).

¹³ Andrew Bell, 'Present and Future Challenges to the Rule of Law and for the Legal Profession' (Opening of Law Term Dinner Address, 6 February 2025) <https://supremecourt.nsw.gov.au/documents/Publications/Speeches/2025-speeches/bellcj/CJOLTD_20250206.pdf>.

by His Honour on 14 April 2025,¹⁴ with further details of the report available from the LPAB's website.¹⁵ His Honour's statement noted the following 'themes' identified in the Report:

- PLT is seen as a box-ticking exercise, lacking deep relevance to legal practice;
- the move to most of the course being delivered online has led to a lack of in-depth learning;
- a lack of academic rigour was reported with the course being seen as hard to fail;
- PLT costs can be prohibitive and are not seen as providing value;
- work undertaken during study, such as paralegal work, was reported to be more useful than PLT; and
- employer-funding of PLT could steer new lawyers towards private practice, deepening the existing workforce imbalance across practice areas.¹⁶

It should be noted that the LPAB's Report, and the remarks of Chief Justice Bell, are focused on the PLT component of legal education. This article has a broader focus and suggests that PLT is part of a continuum of legal education that commences with LLB or JD study at law school (or equivalent). If, as the LPAB Report suggests, there is a high level of dissatisfaction with the adequacy of the current PLT approach, we argue that changes to PLT should not be considered in isolation from a broader review of the curriculum taught in primary academic law studies.

Moreover, standards for entry to the legal profession are now set by a national body, the Law Admissions Consultative Committee ('LACC), of which the Chair of the NSW LPAB is a member, along with representatives of the other Australian admission bodies, the Council of Australian Law Deans (representing the law schools at Australian universities), and the Australasian Professional Legal Education Community Inc (representing most of the PLT providers).¹⁷ Presumably, it remains the case that the Australian legal profession admission bodies will seek to maintain consistency in their approach to admissions standards and other legal education issues, through the LACC forum, and that a period of consultation will be necessary to achieve consensus about future education requirements for new Australian legal practitioners.

¹⁴ Letter from Andrew Bell to the New South Wales Legal Profession, 14 April 2025
https://lpab.nsw.gov.au/documents/rules/LPAB_PLT_letter_CJ_2025.pdf.

¹⁵ Urbis, 'The Legal Profession's Experience of Practical Legal Training' (Report, 9 April 2025)
https://lpab.nsw.gov.au/documents/rules/LPAB_Urbis_Experience_of_Practical_Legal_Training_Research_Report_Final.pdf.

¹⁶ Bell (n 14).

¹⁷ Details of LACC membership can be found here: <https://legalservicescouncil.org.au/about-us/law-admissions-consultative-committee.html>.

IV INTEGRATING PLT WITH ACADEMIC LAW STUDY

The next part of this article examines some of the contextual issues that need to be considered in reforming legal education in Australia to ensure that new-entrant lawyers are practice-ready before considering a possible 'blueprint' for reform.

A The Role of Law Schools in Training New Lawyers: the Academic v Practical Tension

As explained earlier in this article, any review of the adequacy of legal training for new lawyers should extend beyond the existing PLT approach and should consider how PLT can be better integrated with academic law studies. There is already an impetus to embed practical skills in the foundational law degrees. For instance, the *Australian Law School Standards* require that (as a minimum) Australian law schools must endeavour to:

...provide, so far as practicable, experiential learning opportunities for its students, including, but not limited to, clinical programs, internships, workplace experience, and pro bono community service.¹⁸

Additionally, the Higher Education Threshold Standards require all Australian Universities (ie, not limited to law schools) to demonstrate:

...engagement with employers, industry, and the professions in areas in which it offers courses of study. This engagement may include...work-integrated learning...¹⁹

We acknowledge, of course, that the role of a law school at an Australian university extends beyond that of training new lawyers for professional practice, especially when one considers that many law graduates do not practice law after graduation.²⁰ Legal research, including in higher degree by research academic programs, is a core function of a law school and, by its nature, that research tends to be more theoretical than practical. In the contemporary Australian university environment, research output (especially publication of journal articles) is an important performance measure for most academics, including legal academics. This creates a tension, and a potential barrier to advancement, for those academics with a more 'practical' legal education focus. As explained by Hutchinson, it is important for legal scholars in the twenty-first century to embrace social science research methodologies, reflecting the existence of law within a social setting rather than in 'an

¹⁸ Council of Australian Law Deans ('CALD'), *Australian Law School Standards* (Standards, 30 July 2020) 2.2.4 <<https://cald.asn.au/the-australian-law-schools-standards/>>.

¹⁹ *Higher Education Standards Framework (Threshold Standards) 2021* (Cth) pt B1.3.

²⁰ This is evident from the difference in the number of practising solicitors between 2011 and 2022 and the available data on law school graduate numbers. For example, approximately 5,700 lawyers joined the profession between 2016 and 2018, but there were approximately 16,000 law graduates in that same period. Given the demographics of the profession, it is unlikely that the difference is attributable to attrition alone. As to solicitor demographics, see Urbis, *2022 National Profile of Solicitors* (Report, 26 April 2023) 7. As to graduate numbers, see CALD, *2018 Data Regarding Law School Graduate Numbers and Outcomes* (Report, 2018) <https://cald.asn.au/wp-content/uploads/2023/11/Updated-Factsheet-Law_Students_in_Australia-20-04-2019.pdf>.

objective doctrinal vacuum',²¹ which can be challenging for legal researchers with primarily doctrinal research interests. A law school's role in training future lawyers co-exists with the research demands placed on legal academics. It must also accommodate students who do not intend to engage in legal practice after graduation. However, we contend that a foundational law degree should teach both theory and practice such that a law graduate is 'practice ready'. Accordingly, theoretical legal research and the practical training of future lawyers both remain core functions of all modern Australian law schools, and one cannot be placed above the other in its importance, at least from the perspectives of the universities and legal academics themselves.

It remains the case that law schools must also meet the needs of external stakeholders: the judiciary, the legal profession more generally, and the community. There are some clear messages that key external stakeholders desire changes to legal education, to ensure new entrants to the legal profession are better equipped and skilled to meet the demands placed on them when they commence practice. In an Australian context, this is reinforced by the requirement for external accreditation of law degrees offered by law schools to meet the admission requirements of the admission bodies in each jurisdiction. In that sense, the admission bodies quite rightly have a significant say in how legal education is provided in Australia, and law schools must meet the requirements reflected in the several LACC standards which have been promulgated, most notably, the so-called 'Priestley 11' requirements, which specify core areas of legal knowledge that must be studied by law students aspiring to enter legal practice.²² There is an existing challenge for law schools to manage these inherent tensions and ensure that a focus on training future lawyers can comfortably co-exist with a parallel focus on legal research, including purely theoretical or doctrinal research. We contend that a move towards a greater focus on practical skills development during an aspiring practitioner's academic law studies can be achieved as a natural extension of the significant role already played by law schools in preparing graduates for legal practice.

B The Role of the Legal Profession: Setting Expectations for New Practitioners

Reports such as those commissioned by the Queensland Law Society²³ and the NSW LPAB²⁴ establish the need for change to the current legal education approach in Australia. In implementing change, the legal profession can also play another related role, which is highly significant: identifying and articulating the skills that entry-level lawyers require to be better practitioners. The legal profession (including the judiciary) needs to work hand-in-hand with legal educators and admission bodies (through LACC) to identify what new practitioners need to know and the skills they need to have. It then falls to legal educators to work within their

²¹ Terry Hutchinson, *Researching and Writing in Law* (3rd ed, 2010) 97.

²² LACC (n 29).

²³ Cantatore, Atwill and Field (n 4).

²⁴ Urbis (n 15).

areas of expertise to ensure that students gain the skills and knowledge in those areas of critical need identified by the profession.

C How Best to Teach Skills? Challenging Assumptions about PLT

As noted above, much of the current focus on the need for change relates to the way in which PLT is taught. However, any assumption that *only* PLT needs to change must be challenged. At a minimum, future reviews of legal education should also consider the extent to which legal skills can be taught as part of academic legal study. In Part V of this article, we explore in more detail what this means and how it might be achieved. Changes in legal education over the past 50 years already include legal educators' acceptance of the need to incorporate more practical skills training into LLB/JD studies, including through 'authentic' learning and assessment.²⁵ The way in which law students are taught in the 2020s is more practical when compared to 50 years ago. There is evidence from the literature that a focus on integrating practical legal skills development with core LLB curriculum is not a recent phenomenon, with Woellner describing the development of a 'practical skills program' by the Faculty of Law at the University of Western Sydney in the mid-1990s.²⁶

Examples of authentic assessments in the authors' own recent experience as legal academics at Curtin Law School include an interview-based assessment in the *Introduction to Torts* course, and the preparation of a statement of claim as an assessment in the *Civil Procedure* course, as well as elective units available to students in advocacy and opportunities to gain academic credit for *Internship* and *Law Clinic* units. Mooting can also play a role in introducing law students at an early stage of their studies to the skills of advocacy and developing legal arguments.

Earlier this year, the second author developed and taught a *Succession Law* unit at Curtin Law School as a theoretical-clinical hybrid. The unit was designed around the central premise of this article: that legal education can (and should) be both theoretical and practical. The unit starts by building a solid foundation in the theory of succession law and culminates in the student taking instructions for, preparing, and executing a simple will in the John Curtin Law Clinic (which is part of the Curtin Law School), under the direct supervision of an experienced legal practitioner. It is early days yet, and there is currently no empirical data available on the success (or otherwise) of this approach in the context of this particular unit, but informal feedback obtained from students thus far has been extremely positive.

We hypothesise that this hybrid approach is better for students as it allows the practical aspects to be scaffolded onto the theoretical underpinning of the subject.²⁷ This allows

²⁵ See, eg, Linda Kam et al, 'Get Real! A Case Study of Authentic Learning Activities in Legal Education (2012) 19(2) *Murdoch University Law Review* 17; Toni Collins, 'Authentic Assessment: The Right Choice for Students Studying Law?' (2022) 32(1) *Legal Education Review* 1.

²⁶ Robin H Woellner, 'Developing and Presenting a Skills Program in the LLB: A Discussion of Design and Operational Issues' (1998) 16(1) *Journal of Professional Legal Education* 87.

²⁷ As to scaffolding as a learning theory, see, generally, David Wood, Jerome S Bruner and Gail Ross, 'The Role of Tutoring in Problem Solving' (1976) 17 *Journal of Child Psychology and Psychiatry* 89; L S Vygotsky, *Mind in Society: The Development of Higher Psychological Processes* (Harvard University Press, rev ed, 1978). As to scaffolding in legal education, see Kam et al (n 25) 19; Collins (n 25) 3, 13.

students to put the theory into practice, further reinforcing their knowledge, before their memory of the subject fades with time. The existing PLT model is such that several years may pass between a student's theoretical study of a subject and the student encountering the subject again in PLT. However, we acknowledge that there are some constraints in embedding practical skills training in foundational legal education, not the least of which is a lack of experienced legal practitioners on law school faculties.

At the minimum, we argue that a further expansion of these kinds of unit design and assessment approaches could be part of the answer to how we change the current approach to legal education, thereby better meeting expectations held by the legal profession and the broader community about capabilities of entry-lawyer lawyers. In other words, there may be greater scope for 'skills' development to be shifted into the program of academic law studies and reduce (or potentially eliminate?) the need for those skills to be taught separately and independently in a PLT course.

D Obstacles to Integration: LACC and Priestley 11 Pre-requisites

At present, LACC already contemplates that a law school may be accredited to provide a combined academic law/PLT course and has published a document entitled 'Guiding Principles for Integrating Academic and PLT Courses'.²⁸ These principles nevertheless contemplate a separation of 'academic' and 'PLT' components, and they expressly require that students must complete all Priestley 11 requirements before PLT studies are commenced.²⁹ Illustratively, with this requirement in place, it would not be possible to incorporate instruction and assessment of the PLT 'Civil Litigation Practice' component with the 'academic' study of *Civil Dispute Resolution* (one of the Priestley 11 required areas of academic study). Similarly, it would not be possible to incorporate PLT advocacy training as part of academic study of *Evidence* or *Criminal Law*.

Viewed in its historical context, when legal educators teaching foundational law courses had little interest in teaching practical skills, this separation between 'PLT' and 'academic' study made sense, with the PLT serving as the skills top-up to supplement undergraduate law studies. This article challenges the assumption that such a separation should continue in the 2020s and beyond, and poses the question: 'Why isn't all legal education practical?' It follows that a review of the current approach to legal education should extend beyond PLT to consider how the Priestley 11 subject areas are taught and assessed, to allow for greater integration of academic law studies with PLT, to avoid duplication, and to provide a better learning experience for students.

²⁸ LACC, 'Guiding Principles for Integrating Academic and PLT Courses' (Document, rev October 2017) <<https://legalservicescouncil.org.au/documents/Guiding-principles-for-integrating-academic-and-PLT-courses-revised-Oct-2017.pdf>>.

²⁹ The Priestley 11 requirements are formally referred to by LACC as 'Prescribed academic areas of knowledge', covering Criminal Law and Procedure, Torts, Contracts, Property, Equity, Company Law, Administrative Law, Federal and State Constitutional Law, Civil Dispute Resolution, Evidence, and Ethics and Professional Responsibility. The guidelines can be accessed from the Legal Services Council website, here: <<https://legalservicescouncil.org.au/documents/prescribed-academic-areas-of-knowledge.pdf>>.

V A BLUEPRINT FOR CHANGE?

This part of the article addresses some of the issues that would arise in achieving greater coordination and integration of PLT and academic education for aspiring future legal practitioners. We note that an integration process may be resisted by some law schools and law academics, due to the challenges (particularly those associated with resourcing) of implementing significant changes to curriculum design and delivery, and specialist PLT course providers might also be resistant to change due to the impact on their business models. Extensive consultation with all stakeholders (especially through LACC) is required and the process of change will take time to implement.

A Aligning PLT and Priestley Requirements

It is outside the scope of this article to examine the adequacy of the current Priestley 11 requirements and whether changes are needed, and for the purposes of this discussion we have assumed the existing Priestley 11 requirements will continue.

As things stand, there is obvious cross-over between LACC's 'Prescribed academic areas of knowledge' (ie, the Priestley requirements) and LACC's 'Practical Legal Training Competency Standards for Entry-Level Lawyers'.³⁰ As can be readily observed, Priestley-prescribed areas of knowledge such as *Criminal Law, Property, Administrative Law, Company Law, Civil Dispute Resolution, Evidence, and Ethics and Professional Responsibility* all, to some extent, overlap with requirements of the Compulsory and Optional Practice Areas under the PLT competency standards. For example, many of the PLT 'Lawyers Skills' requirements could conceivably be taught and assessed in one or more of the Priestley 11 prescribed areas of study. These 'PLT' skill requirements encompass communication, cross-cultural awareness, interviews, letter writing, drafting, negotiating settlements and agreements, early representation of disputes and representing a client in a legal forum.³¹ Each of these 'skills' could be the subject of well-designed assessments and other learning tasks taught within the framework of a Priestley LLB or JD unit.

There are some other PLT requirements, especially with the 'Work Management and Business Skills' competency standard,³² which do not fit so neatly with academic law studies. These skills might be better taught as part of a short postgraduate 'work-readiness' intensive course prior to admission, in a similar way to the Practice Management course.

More generally, if the teaching of the current PLT requirements can be integrated with academic legal study, it would make sense for students to complete the practice-oriented

³⁰ Accessible from the Legal Services Council website, here: <<https://legalservicescouncil.org.au/documents/PLT-competency-standards-for-entry-level-lawyers-Oct-2017.pdf>>.

³¹ Ibid 18–20

³² Ibid 27–8.

Priestley 11 subjects towards the end of their LLB or JD study program, meaning that some restructuring of the sequence in which law subjects are taught might then be necessary.

B Challenges Facing Law Schools and Regulators Under a New Model

If integration of PLT and academic law studies can be achieved, law schools would face challenges in making the transition. This would include new curriculum development and ensuring that staff teaching the practice-oriented subject areas have appropriate qualifications and skills to do so. It is relevant that under the current PLT competency standards, PLT instructors are expected to have current or recent experience in the practice of law. Many current law academics would not meet this requirement. It makes sense that legal skills are best taught by legal practitioners with relevant experience, so this is another challenge that needs to be addressed, both in setting new standards for law academics involved in teaching in practice-oriented areas and ensuring that sufficient suitably qualified staff are available. It may be that 'team-teaching' approaches become necessary, where legal academics and experienced legal practitioners work together to deliver law courses incorporating both theoretical and practical/skills-based elements.

Law schools would also need to satisfy legal regulators that curriculum and assessments are sufficiently 'practical' to meet the objectives currently set for PLT courses. It may be that the resulting increased curriculum demands in academic law studies would require that some existing units be split, and perhaps the minimum length of full-time academic law study to meet LACC's admission requirements would need to be reconsidered. At present, several Australian academic law courses can be studied over 3 years, whereas a combined academic law/PLT course should be taught over 3.5 years.³³ In re-designing the law curriculum, other options could also be considered to ensure that 'academic' and 'practical' legal skills are taught in the optimum manner. We are confident these challenges can be met, and we cite the recent example of the new *Succession Law* course taught at Curtin Law School (discussed in the preceding part) in support of the proposition.

It should be noted that several Australian law schools already provide PLT courses, and there are other schools which have previously taught PLT but no longer do so. At some law schools, agreements have been made with PLT providers to deliver a co-ordinated academic law/PLT course. At least one law school has fully integrated its LLB and PLT courses in combination with its law clinic. If nothing else, this demonstrates the capacity within law schools to deliver traditional PLT-style courses and skills training, as well as flexibility for collaboration with independent PLT providers, and indicates that a move towards greater integration of academic law study with practical legal skills training is feasible.

³³ LACC (n 28).

C Future of Legal Workplace Experience: A Staggered Approach to Admission?

In our previous article, the authors expressed reservations about the varied approach to legal workplace experience requirements and differences between Australian jurisdictions.³⁴ We note the favourable views expressed by practitioners about the value of workplace experience, commented on by the NSW Chief Justice, the Honourable Andrew Bell.³⁵ Nevertheless, we remain of the view that the current PLT legal workplace experience requirement should be abolished, to bring the Australian approach into line with the long-standing approach taken in New Zealand.³⁶ However, we also think it would be worthwhile considering an alternative ‘stepped’ approach towards obtaining an unrestricted practising certificate.

Perhaps inspiration can be drawn from the Australian approach to motor vehicle driving licences and the well-known ‘L Plate/P Plate’ model – so that a newly admitted practitioner would be subject to close supervision for a preliminary training period (say, 6 months – the ‘L’ plate), on completion of which they could move up to a less restricted supervised work period (say, 18 months – the ‘P’ plate) in which they would be permitted to perform more tasks independently, following which they would become eligible for an unrestricted practising certificate.

Another alternative might be the requirement to provide evidence of satisfactory performance through the completion of PLT competency assessments in the workplace during the existing two-year restricted practice period. This form of assessment would allow students to develop and gather evidence of their skills in a way that is directly relevant to their work, and which aligns with workplace competency assessments in other professions, including medicine, nursing, policing, and teaching. Under this possible regime, law graduates might be immediately eligible for admission to practice, but unable to obtain an unrestricted practising certificate until they have gathered sufficient evidence to demonstrate the required competencies. This approach, combined with the embedding of practical skills into foundational legal training, could eliminate the need for law graduates to incur the cost of a separate PLT course altogether.

In considering changes of this nature, it might also be appropriate to consider more rigorous testing and evaluation of ethics and professional standards as part of the transition to unrestricted practising status. Likewise, there is scope to consider enhanced continuing professional development requirements for new practitioners as they transition towards unrestricted practice rights. These considerations all form part of the mix in a reconsideration of how legal education can be improved to ensure new practitioners are better equipped for practice.

³⁴ McMillan and Lilley (n 1) 8.

³⁵ Bell (n 13).

³⁶ Sir Andrew Tipping, *Review of the Professional Legal Studies Course* (Report, August 2013) 1–2, 9.

VI OBSERVATIONS AND CONCLUSION

Over recent months, there has been a marked acceleration in the movement for change to the way in which law graduates are taught practical skills, to prepare them for legal practice. Scrutiny of the cost and effectiveness of existing PLT courses has grown. Concerns have increased about the adequacy of the current Australian approach to legal education to ensure new entrants to the legal profession are practice-ready.

Much of the recent scrutiny has been on PLT courses. In this article, we argue that in designing future legal education reform, options for greater integration of academic law and PLT courses need to be considered. We suggest that one of the potential solutions is that more practical skills training and assessment could be integrated with academic law studies and delivered as part of a law student's LLB or JD studies. Change is needed, and a shift towards making all legal education more practical could be one way to address the current concerns.