SUBMISSION TO THE ADMISSIONS COMMITTEE OF THE LEGAL SERVICES COUNCIL AND THE LAW ADMISSIONS CONSULTATIVE COMMITTEE

Review of Practical Legal Training — Consultation Paper, April 2026

Submitted by:

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Standing

1. I make this submission in a personal capacity, drawing on thirty-four years of experience across legal practice, legal education, lawyer supervision, and governance of community legal centres. I was admitted as a solicitor in Queensland and to the High Court of Australia in 1992, having completed two years of articles of clerkship at a large commercial firm in Brisbane. I maintain a Queensland practising certificate and serve as the Deputy Dean Learning and Teaching at RMIT School of Law. I have taught law students in four Australian states over 22 years.
2. I have decades of experience serving on management committees of community legal centres, including serving on the board of a CLC employing 60 lawyers nationally; I have been directly involved in the interviewing, employment, supervision, education, and training of legal practitioners across all levels of seniority; and I currently practise as special counsel in a native title representative body. I have three adult children who are lawyers. All three completed PLT under the current framework; two while holding graduate positions in national law firms, and one while practising in a CBD specialist firm. My observations in this submission draw on the aggregate of these experiences.
3. The scope of this submission is not limited to particular consultation questions. It addresses what I consider to be an underlying problem that the Consultation Paper has identified but not fully engaged with.

Central Proposition

4. The Consultation Paper proceeds from a correct diagnosis — that PLT is too long, too costly, and too disconnected from the practical realities of legal work — but its proposed remedy is directed at the wrong actor. The reforms proposed in the Consultation Paper place the primary burden of improvement on law schools, PLT providers, and regulatory frameworks for admission. They do not adequately engage with the obligation of the legal profession itself to form, supervise, and continue the education of early career lawyers. Until that obligation is taken seriously, no restructuring of the pre-admission pathway will produce the outcomes the Committees seek.
5. This submission makes two related arguments. First, that the practical skills most critical to professional competency — drafting, advocacy, negotiation, and client communication — require sustained, supervised formation, not simply structured exposure, and that the skills schedule at Appendix F, with the greatest respect to its architects, does not reflect this. Second, that the primary source of the professional competency gap identified in the national survey is not inadequate pre-admission training per se: it is the failure of the profession to supervise, mentor, and continue the education of lawyers in the critical early years of practice. Reform that does not address that failure will not close the gap.

The Nature of Foundation Skills

6. The national survey found that supervisors report drafting, negotiation, client advice, and file management as the skills most consistently absent in early career lawyers. This finding is consistent with my own observation across thirty-four years of practice. These are not incidental deficiencies. They are deficiencies in the foundation skills of legal practice.

7. Foundation skills are not the same as subject-matter competencies. A lawyer who cannot draft clearly cannot draft a will, a commercial lease, or a statement of claim. A lawyer who cannot negotiate cannot negotiate a commercial settlement, a family law property division, or a criminal plea. While the matter changes, the underlying capability must already exist. This distinction is absent from Appendix F, which lists specific document types and transaction formats as though competency in those forms constitutes the skill itself. It does not. The capacity to draft a summons is at its heart an application of drafting skill to a specific genre, not its substance per se.

8. Foundation skills of this kind are not acquired through exposure or instruction alone. They are formed through deliberate practice under expert feedback, repeated across diverse contexts, with correction at each iteration. This is not a novel pedagogical insight; it is the principle that underpinned the articles system that PLT replaced, and that underpins every professional formation model — medical, engineering, clinical psychology — that has confronted the same challenge. The Appendix F skills schedule, with the best of intentions, treats these capabilities as items to be covered rather than competencies to be formed. A student who has 'participated in a negotiation of the terms of a simple contract' has not necessarily acquired the capacity to negotiate. The schedule's architecture does not reflect the difference.

9. I make this observation with respect for the considerable work that has gone into developing the schedule, much of it by senior leaders of the profession whose experience of the skills gaps in early career lawyers is first-hand and authoritative. The problem is not with the identification of relevant skills but with the framework within which they are expressed. A checklist of observable tasks is not a curriculum for professional formation. The Committees should consider whether an outcomes-based framework — specifying what a competent early career lawyer can do, and requiring providers and employers to demonstrate how they have supported the development of that competency — would better serve the reform's underlying purpose.

The Primary Problem: Supervision

10. The Consultation Paper cites insurer data showing that the top causes of claims against lawyers are poor communication with clients, not knowing the law adequately, document problems, and systems failures. Lawcover has specifically identified the supervision of junior lawyers as an emerging risk area, noting that hybrid working arrangements have reduced the opportunity for in-person oversight and that supervision is increasingly treated as a component of work production rather than as a mentoring and teaching relationship. This evidence points to the argument I make here.

11. In my direct observation over 34 years of practice, including as a board member of a large legal assistance provider and as a practitioner and educator, the most consistent and consequential failure in the development of early career lawyers is not inadequate pre-admission training. It is inadequate supervision after admission. The two are connected: PLT was introduced, in part, because articles of clerkship produced

inconsistent outcomes depending almost entirely on the quality of the principal under whom the clerk worked. The solution — removing the training burden from individual supervising practitioners and placing it with specialist providers — addressed the inconsistency of the articles system by removing its best feature: sustained, individualised, expert oversight of every piece of work produced by a junior lawyer.

12. File management and risk management, properly practised, require direct supervision of all work produced by a junior lawyer before it leaves the office. Letters are reviewed. Advice is checked. Court documents are read. This is not merely a quality assurance mechanism; it is the primary vehicle through which junior lawyers learn to practise. The supervisor who reviews a poorly drafted letter and explains why, who corrects an inadequate advice and walks through the reasoning, who identifies a missed issue in a pleading and demonstrates how to approach it, provides something that no structured course can replicate. That is how lawyers are formed.

13. In recent years, I have seen correspondence from courts reminding practitioners not to contact judges directly on substantive matters. This is sometimes cited as evidence of educational failure. I do not read it that way. A junior lawyer who contacts a judicial officer directly in a matter almost certainly does so because they do not know what else to do — because there is no senior practitioner available, accessible, or attentive enough to guide them. That is not a failure of legal education. It is a failure of supervision. The same analysis applies to most of the competency failures the survey identifies. A lawyer who cannot manage a file effectively, who over-services or under-communicates with clients, who produces inadequate drafts, is very often a lawyer who has not been shown how to do otherwise by anyone with the authority and proximity to make a difference.

14. The profession has slowly and, I think, largely unconsciously relinquished its responsibility in this regard. Several structural forces have contributed: the billable hour model, which makes supervision time appear as a cost rather than an investment; the growth of open-plan and hybrid working, which has reduced the ambient learning that occurs when junior lawyers work in close physical proximity to senior ones; and the commodification of legal services, which prioritises throughput over formation. Proposal 16 — restricting junior lawyers from acting independently in certain matters — addresses the formal oversight requirement, and I support it. But formal requirements and genuine formation are not the same thing. The supervised legal practice condition has always formally required oversight; the evidence in this Consultation Paper suggests that supervision within that existing framework is already being treated, in many practices, as a compliance step rather than a teaching relationship. Proposal 16 creates a gate but it does not change the incentive structures that determine adequate supervision.

Articles, PLT, and What Has Been Lost

15. Articles of clerkship were abolished, or progressively replaced, because they were seen to have failed: to have commodified junior lawyer labour, to have produced inconsistent outcomes, and to have allowed some principals to exploit clerks as cheap staff with minimal educational return. These criticisms had merit. But the response — specialist PLT providers delivering structured coursework — solved the consistency problem by removing the profession's direct responsibility for formation. The profession accepted this transfer with insufficient reflection on what it was giving up.

16. What articles provided, at their best, was continuous expert oversight of every aspect of a junior lawyer's work, over an extended period, by a practitioner with a direct professional and reputational stake in the outcome. The relationship was unequal and could be exploitative; it was also, at its best, the most effective vehicle for professional formation that the law has devised. PLT replaced it with a structured course. PALT, as

proposed, would supplement that course with practice-area modules. Neither substitutes for the sustained supervisory relationship that articles, at their best, embodied.

17. That said, I am not advocating a return to articles. The criticisms of that system were well founded, and the risks of exploitation and inconsistency are real. I am arguing that the reform, as proposed, does not adequately engage with the obligation of the profession to form and supervise early career lawyers after admission. I acknowledge that Proposal 21 goes further than its description as a 'working group' might suggest: its mandate includes considering regulatory reform and making recommendations, not merely producing guidance documents. I also acknowledge that PALT represents a genuine post-admission measure. These are welcome. But Proposal 21 operates through guidance and downstream recommendations that must be adopted across multiple bodies before they have effect; and neither Proposal 21 nor any other element of the reform creates accountability for the quality of supervision. Nothing in the proposed framework requires a practitioner to demonstrate supervisory competency before supervising. Nothing links supervision quality to practising certificate conditions. A mechanism without accountability will not solve the problem the subject of the Consultation Paper.

The Role of Insurers

18. Insurers have in the past played a constructive role in driving supervision standards by requiring evidence of practice management systems that provide adequate oversight of junior lawyers' work. Historically professional standards have encouraged practice management systems including requiring principals to demonstrate that supervision arrangements are in place. The Queensland Law Society, for example, provides a model of practice management that fulfills the professional requirement for appropriate practice management – and it includes supervision of lawyers and files. This is a lever that has not been fully engaged in the current reform discussion either as a feature of insurance cover, or as professional standards per se. I submit that the Committees should involve professional indemnity insurers and law societies in the development of supervision standards, and that evidence of compliance with those standards be incorporated into practising certificate renewal requirements or, at minimum, into the practice management course that principals are already required to complete.

The Role of Law Schools

19. Law schools can and should contribute to the formation of practitioners who understand their own responsibilities to seek supervision, to practise reflectively, and to continue learning effectively. The Discipline Standards threshold learning outcome 6 — self-management — provides the framework within which this contribution is most coherently made. A graduate who understands that admission is not the end of professional formation, who has developed habits of reflective practice, and who knows how to identify and seek out the supervision they need, is better placed to benefit from whatever supervisory environment they enter than one who has simply completed a longer checklist of competency requirements.

20. The ethics curriculum — already a Priestley 11 requirement — is the appropriate place within the law degree to address the professional obligations of supervision, both as supervisor and as supervisee. Early career lawyers should graduate understanding not only the rules governing their own conduct but also the obligation of the profession to form them, and their own active role in seeking formation. That orientation is not

currently prominent in the ethics curriculum at most institutions, and the Committees' proposed reforms do not directly address it.

21. However, there are limits to what law schools can do. Legal education produces graduates who are academically prepared for the law. The transformation of a law graduate into a lawyer happens in practice, under supervision. No law school, however well-resourced or practically oriented, can substitute for that experience. The reform proposals should not proceed on the assumption that enhancing the practical content of law degrees will materially reduce the supervision burden on the profession. It will not, and the expectation that it might risks further eroding the profession's sense of responsibility for its own formation.

Specific Responses to the Consultation Proposals

Foundation skills in pre-admission training (Proposals 1–3)

22. I support the principle that pre-admission skills training should be shorter, more focused, and more practically oriented. A four-week intensive program with rigorous assessment of genuine foundation skills — drafting, advocacy, negotiation, client communication — is more likely to produce capable entry-level lawyers than the current extended course covering five practice areas in variable depth. The Appendix F skills schedule, however, requires reformulation if it is to serve this purpose. Items that belong to the knowledge domain of the Priestley 11 subjects should be removed; items that describe specific matter-type competencies (eg draft a simple contract) should be replaced with foundation skill outcomes that apply across matter types. The test should not be whether a student has been through a particular transaction; it should be whether they can draft, advise, and communicate to a standard adequate for entry-level practice under supervision.

In-person delivery (Proposal 5)

23. I am not averse to in-person delivery of the intensive PLT component as a weak default, however, urge the Committees to take seriously the equity concerns raised in other submissions and make provision for the needs of all communities. While in-person engagement is a powerful means by which to develop professional relationships and a sense of shared membership of a profession, lawyers also practise in diverse digital environments. The issue is more that the delivery of PLT is designed to achieve both in person and digital engagement skills appropriate to the diverse contexts of legal practice.

Post-admission legal training (Proposals 13–19)

24. PALT is the most promising element of the proposed reform, although perhaps not primarily for the reason the Consultation Paper emphasises. Practice-area training delivered while a lawyer is working in that area is educationally sounder than practice-area training delivered before admission. But the deeper value of PALT is structural: it creates a formal occasion, within the supervised practice period, at which the supervising practitioner and the junior lawyer are required to engage together with the junior lawyer's development. If PALT is designed to require the supervising lawyer's involvement in selecting, planning, and assessing the junior lawyer's training — rather than being a standalone external course — it becomes a mechanism for rebuilding the supervisory relationship that the profession has allowed to atrophy. I strongly encourage the Committees to design PALT in that direction.

In-person PALT (Proposal 17)

25. The requirement to deliver PALT in person subject to an exceptional circumstance should be reconsidered. Having practised in a regional city for many years, I have

direct experience of the difficulty of engaging in quality professional development. Regional practitioners are routinely omitted from consideration of access to professional development. It is vital, however, that any online delivery of training be of high quality. Regional practitioners are often relegated to terrible experiences of poorly delivered online or teleconference CPD.

Supervision of early career lawyers (Proposals 10 and 21)

26. Proposal 21 — a working group of legal profession regulators to develop guidance for supervisors — is welcome but insufficient. A working group producing guidance documents does not change the incentive structures that have driven the erosion of supervision standards. I submit that the Committees should go further: supervision of junior lawyers should be a condition of maintaining an unrestricted practising certificate, with structured reporting requirements; the practice management course should include mandatory, assessed content on supervision methodology, not merely reference to its importance; and professional indemnity insurers should be engaged as partners in defining and enforcing supervision standards, as they have the capacity and the commercial incentive to do so.
27. As a transactional lawyer, I also urge the Committees to look beyond the courtroom in selecting members of any working group. As officers of the Court, all lawyers must have sufficient skills to appear – but most lawyers will not practise in this environment.
28. The legal profession is a profession precisely because it accepts obligations to the courts, to the public, and to its own members that extend beyond the commercial relationship between practitioner and client. The obligation to form the next generation of lawyers is among those obligations. It is not dischargeable by directing graduates to a PLT provider or a PALT module. It requires that practitioners with experience and authority take genuine, sustained responsibility for the development of the junior lawyers who work under them. The reform proposed in this Consultation Paper will not succeed unless it addresses that requirement directly.

Conclusion

29. The Committees have undertaken a significant and necessary review. The national survey data is compelling, the case for reform is well-made, and many of the specific proposals are sound. My concern is that the reform as proposed concentrates its effort on the pre-admission stage and on law schools, while leaving the most significant driver of the competency gap — the failure of supervision within the profession — insufficiently addressed.
30. The legal profession formed me, via articles, through the sustained oversight of practitioners who reviewed everything I produced and explained, patiently and not always gently, why it was inadequate and what adequate looked like. I benefited from that formation. So did my clients. I have sought to provide the same level of diligence in my own supervision and education of lawyers. The profession has an obligation to provide such supervision to the lawyers who are now entering practice, not because a regulatory framework requires it, but because that is what a profession is. Any proposal for change that does not restore that obligation to the centre of the reform agenda will not solve the problem the Committees have correctly identified.

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