

Working in Community Legal Centres in Victoria

Results from the *Community Legal Centres Workforce Project*

Jozica Kutin, Hugh M. McDonald, Nigel J. Balmer with Tenielle Hagland, Clare Kennedy and Joe Okraglik

The role of legal education



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The office of Victoria Law Foundation is on the traditional lands of the Wurundjeri people of the Kulin Nation. We acknowledge their history, culture and Elders past and present.

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Community Legal Centres Workforce Project Advisory Group

Bryanna Connell (CEO, Barwon Community Legal Service Inc.), Megan Ross (Manager of Legal Services, Djirra), Belinda Lo (Principal Lawyer, Eastern Community Legal Centre), Gillian Wilks (Director, Social Security Rights Victoria Inc.), and Sarah Rodgers (Principal Lawyer/Manager, Hume Riverina Community Legal Service).

Organisations invited to participate

AED Legal Centre, Animal Law Institute, ARC Justice (including Loddon Campaspe Community Legal Centre and Goulburn Valley Community Legal Centre), Asylum Seeker Resource Centre, Ballarat and Grampians Community Legal Service, Barwon Community Legal Service Inc., Brimbank Melton Community Legal Centre, Consumer Action Law Centre, Disability Discrimination Legal Service, Djirra, Eastern Community Legal Centre, Emma House Domestic Violence Services, Environmental Justice Australia, Federation of Community Legal Centres Victoria Inc., First Step Legal Service, Fitzroy Legal Service, Flemington and Kensington Community Legal Centre (now Inner Melbourne Community Legal), Gippsland Community Legal Service, Human Rights Law Centre, Hume Riverina Community Legal Service, Inner Melbourne Community Legal, InTouch Multicultural Centre Against Family Violence, JobWatch, Justice Connect, Law and Advocacy Centre for Women, Melbourne University Student Union Legal Service, Mental Health Legal Centre, Monash Law Clinics Inc., Moonee Valley Legal Service, Mallee Family Care Community Legal Centre, Northern Community Legal Centre, Peninsula Community Legal Centre, Refugee Legal, Seniors Rights Victoria, Social Security Rights Victoria, Southport Community Legal Service, Springvale Monash Legal Service (now South-East Monash Legal Service), St Kilda Legal Service (now Southside Justice), Tenants Victoria, Victorian Aboriginal Legal Service, Villamanta Disability Rights Legal Service Inc., West Heidelberg Community Legal Service Inc., WEstJustice, Whittlesea Community Connections, Women's Legal Service Victoria, Young Workers Centre, and Youthlaw.



Executive summary

Purpose

The Federation of Community Legal Centres Victoria Inc. (Federation) is the peak body for community legal centres in Victoria. The Federation engaged Victoria Law Foundation (VLF) to conduct a survey of the community legal assistance sector workforce with the aim of profiling the workforce, canvassing ideas which could reinforce positive workforce practice, and capturing experiences and views of the workforce across diverse roles, centres, and geography. This report focuses on the role of university-based legal education in preparing lawyers for work in the community legal sector.

What we did

Two online surveys were distributed – one to all Victorian community legal centre employees, volunteers, board members and students (Workforce Survey) and one to community legal centre CEOs or centre managers (CEO Survey). People who had completed a degree in law were asked specific questions about their legal education: how well their law degree prepared them for community legal centre work, what in particular was effective, and how could degree programs be improved.

Who responded

Overall, the Workforce Survey was completed by 664 people: 79.7 per cent were employees, 13.5 per cent volunteers, 4.1 per cent board members and 2.7 per cent students. There were 420 people who completed a degree in law (74.0% of all respondents) and 75.0 per cent completed their degree at a university in Victoria. For this report, 293 people responded to the specific questions on usefulness of legal education, which forms the focus of much of the report. The report is also informed by the views of 26 respondents to the CEO Survey.

What we found

Forty-six per cent of respondents with law degrees felt that their legal education prepared them for community legal centre work, and 54 per cent felt that it did not. Some groups, such as men and older respondents, were more likely to view their law degree as useful, though interestingly, there was little evidence of perceptions of utility varying significantly by community legal centres and university attended.

Respondents who were positive felt that law degrees: prepared them with practical, broad or foundational legal knowledge; taught legal skills enabling them to conduct research, manage complexity and identify pertinent issues; provided them with real world experience (e.g. through student placements) and insight into the needs of clients and communities; and inspired an interest in social justice through particular subjects, student placements and inspirational members of staff. Where respondents felt their legal education was useful, clinical placements were often a central feature.

Those who were more negative about the utility of legal education for community legal work cited a narrow focus and range of legal subjects. Respondents also referred to limited opportunity to develop practical skills and an understanding of community needs, particularly clients with multiple legal and related needs and those experiencing trauma. This was particularly the case where clinical placements were unavailable. Several respondents cited a need for greater university support for clinical work and greater recognition of the community sector and access to justice in teaching. Several respondents indicated that clinical placements should be a standard or compulsory offering at law school.

Several centre CEOs reinforced workforce survey respondents' views on the benefits of student placements – in supplementing a centre's work, contributing to culture, developing employee skills, and in creating a pool of potential future employees and volunteers. However, views varied on whether the benefits of student placements outweighed the organisational costs (in staff time and resources), particularly in the case of short-term programs. Some CEOs felt that the investment required from centres was underappreciated by universities. CEOs were also able to point to features of successful schemes, in particular where there were highly structured and developed programs, and where care had been taken to ensure students on placement at community legal centres shared sector values and had established an interest in social justice.

Where next?

It was evident that there were mixed views about the adequacy of university-based legal education as preparation for work in community legal centres. For some, the factors they cited as most beneficial were the very aspects that others said were missing in their legal education. This, however, appeared to be as much about opportunities taken as the opportunities that were on offer. Particular law school subjects, clinical placements, and inspirational teachers, especially those involving community legal centres and community access to justice, were pivotal.

The findings demonstrate that what made a difference was not who you are, where you studied, or which community legal centre you were working at, but rather opportunities available and taken, either by choice or design.

As the nature of wider professional legal work changes, as digital technology transforms legal practice, so too are community legal needs changing the nature and approach of community lawyering. These are issues that many have been recognised for a long time. The findings, however, reiterate concerns that law schools and regulators of the legal profession can do more to prepare community lawyers of the future, and better support a sustainable community legal sector.

1. Introduction

In early 2020, the Federation and VLF discussed how empirical research could strengthen the community legal centre sector and it was decided that a better understanding of workforce issues would be beneficial. These issues included workforce recruitment and retention, career development, training and support needs, job satisfaction, wellbeing, and resilience. Given workforce issues went beyond those in legal practitioner roles, a survey of the whole community legal centre workforce was planned.

Two surveys were developed, aiming to identify priority issues to build a community legal centre workforce that is strong, capable, resilient and fit for the future. The first, the Workforce Survey, for the whole community legal centre workforce, canvassed individuals' perspectives; and the second, the CEO Survey (for centre CEOs or managers) focused on organisation-wide issues.

The Workforce and CEO Surveys included a range of questions exploring the relationship between university-based legal education and community legal centre work. Completing a law degree is the first step in becoming a lawyer in Victoria. But does this legal education adequately prepare graduates for community lawyering?

1.1 Legal education in Victoria

There are 38 universities in Australia which have law schools that provide accredited legal education.¹ In 2020 there were some 19,760 law and paralegal undergraduate students in Australia, and 6,989 postgraduates undertaking legal study.² In Victoria, eight universities provide legal education: Australian Catholic University, Deakin University (three campuses), La Trobe University, Monash University, RMIT University, Swinburne University of Technology, University of Melbourne, and Victoria University. To qualify to practice law in Victoria, students must complete either a Bachelor of Laws undergraduate degree or a Juris Doctor postgraduate degree, as well as successfully undertake subsequent Practical Legal Training or Supervised Legal Training.³ Those working as lawyers in Victoria can also undertake law degrees in other Australian and overseas jurisdictions which satisfy Victorian legal practice requirements.⁴

Law students must successfully complete the 'Priestley 11' subjects as part of accredited law degree programs to satisfy admission to professional legal practice requirements.⁵ The 11 compulsory subjects are: Administrative Law; Civil Dispute Resolution; Company Law; Contracts; Criminal Law and Procedure; Ethics and Professional Responsibility; Equity (including Trusts); Evidence; Federal and State Constitutional law; Property; and Torts.⁶ In addition to the 11 compulsory subject areas, law schools have a degree of freedom in the elective subjects they offer.⁷

¹ The Council of Australian Law Deans provide a list of all law school in Australia. See <https://cald.asn.au/slia/australias-law-schools/>.

² Social Research Centre (2021, pp.37-38).

³ <https://www.liv.asn.au/Professional-Practice/Supporting-You/Managing-Your-Career/Qualifying-to-Practise-Law>.

⁴ <https://lsbc.vic.gov.au/lawyers/practising-law/professional-obligations/who-can-practise#Interstatequalifiedandforeignlawyers>.

⁵ <https://www.lawadmissions.vic.gov.au/qualifications-and-training/academic>.

⁶ <https://www.lawadmissions.vic.gov.au/qualifications-and-training/academic>.

⁷ University law schools vary in the way in which they structure their law degrees, the compulsory subjects they require, the names given to compulsory subjects, and the elective subjects they offer from year to year.

Social justice focused units, such as disability rights law, human rights law, Indigenous peoples and law, law reform, and public interest law, are largely left to individual students to choose as electives if they are available. Depending on course requirements at the particular law school, students may also have opportunity, or be required, to undertake a component of practical or experiential subjects.⁸

There has been academic criticism of Australian law schools as overly doctrinal and focused on 'black letter law',⁹ with some calling for certain subjects¹⁰ or pedagogical approaches¹¹ to be embedded into the law school curriculum. Despite a wide range of double-degree options (e.g. such as arts/law, commerce/law etc.) and moves to make law a second degree through Juris Doctor programs, there are concerns that law degrees fall short of providing the 'practical skills for effective social justice lawyering'.¹²

1.2 Graduate outcomes

Once the law degree has been completed, what career paths do these graduates take? This is now more interesting than ever given the ongoing commentary about an oversupply of law graduates, the lack of legal practitioner positions, and the amount of legal work to go around. As more Australian universities began to offer law degrees in the 1990s, concerns over a 'glut' of law graduates surfaced.¹³ Hence the law degree is not necessarily seen as a being only relevant to a career as a legal practitioner. Law graduates are therefore increasingly likely to pursue diverse careers.

One counterpoint to concerns with oversupply is the number of Australians going without legal representation, and other observations of an underserved legal market.¹⁴ While views about the appropriate number of law graduates varies, law graduates have continued to be successful in obtaining graduate employment, although it is less clear whether or not that is in graduate legal positions.

The lack of detailed information concerning law graduates' destinations and careers is acknowledged. The Council of Australian Law Deans reported that 8,499 law graduates started employment or entered the job market in 2018,¹⁵ but explained that beyond that "there is very little data about job prospects for law graduates".¹⁶ A 2014 New South Wales Law Society report had also recommended that "more solid data must be collected to get a more accurate snapshot of the state of law graduate employment in NSW".¹⁷

In the United States, one study that sought to bridge the gap in what is known about law graduate careers is the *After the JD* project – a longitudinal study following a large, nationally representative sample of nearly 5,000 lawyers admitted to practice across the first twelve years of their career.¹⁸ It examined how personal and professional factors affect legal careers, including career satisfaction, job mobility, income, and leaving legal practice, and found several differences by legal practice setting.¹⁹ The findings demonstrated diversity in where law graduates work, what they do, and how legal careers unfold, as well as how choices at key junctures affect later career trajectories and outcomes.²⁰

8 For example, Deakin University requires its students to include at least one credit point of study in a Work Integrated Learning, practical or experiential unit. See for example <https://www.deakin.edu.au/students/faculties/buslaw/wil-programs/law>.

9 Giddings (2017, p.211).

10 See for example Kyriakakis (2017).

11 See A-Khavari (2006), Wolski (2009), Wood (2013), Jackson (2018) and Giddings (2017).

12 Warner (2016) argued that double degree options in Australian law schools do not provide options for those interested in social justice: 'Those who are interested in the operation of the law for everyday people, will often undertake a conjoint law and arts degree. While this combination provides invaluable critical thinking skills it does not provide all the practical skills for effective social justice lawyering'.

13 See Douglas and van Hattem (2016) and also <https://www.lawyersweekly.com.au/news/20080-counting-the-so-called-glut-of-law-grads> and <https://www.smh.com.au/business/graduate-glut-12000-new-lawYERS-every-year-20140214-32qnm.html>.

14 See Douglas and van Hattem (2016) and Iskander (2017).

15 Council of Australian Law Deans (2019).

16 Council of Australian Law Deans (2019).

17 The Law Society of New South Wales (2018).

18 See <https://www.americanbarfoundation.org/research/project/118> and <https://www.nalp.org/afterjdmonographs> for more information and access to monographs based on the *After the JD Project*, a longitudinal study of law graduates.

19 Dinovitzer (2004). Practice setting categories covered business, government, legal services or public defender, public interest, non-profit and education, as well as private law firms of various sizes. See also Nelson, Dinovitzer, Plickert, Sandefur and Sterling (2009) and Dinovitzer, Garth, Plickert, Sandefur, Sterling, Wilkins and Nelson (2014).

20 Dinovitzer et al. (2014).

There has been no similar longitudinal study of law graduates in Australia, and how personal and professional factors affect graduate employment destinations and career paths is not well understood.

A series of cross-sectional studies commissioned by The Law Society of New South Wales – *National Profile of Solicitors* – provides some insights into the careers of law graduates. Only in their latest – the fifth survey – was the community legal sector counted separately. In Australia there are 83,643 solicitors.²¹ More than half (53%) were women and the proportion of female solicitors in community legal centres is higher again (71%).²² The average solicitor age remains constant at 42 years, however women were on average younger (39 years) compared to male solicitors (46 years).²³ Across Australia, 67 per cent of solicitors worked in private practice, 16 per cent in corporate legal, 12 per cent in government legal, 3 per cent in community legal and 2 per cent nominated ‘other’ sectors.²⁴ By jurisdiction, the Northern Territory topped the list with the proportion of solicitors employed in the community legal sector (20%), followed by Tasmania (8%), Victoria and Queensland (4% respectively), Western Australia and South Australia (3% respectively) and New South Wales and Australian Capital Territory (2% respectively).²⁵

Like other Australian states and territories, there is little empirical evidence about the career paths of law graduates in Victoria, what factors influence career destinations and trajectories, but more importantly what role law schools play in preparing students to work or build a career within community legal centres.

1.3 Clinical legal placements

One notable feature of contemporary Australian law schools is the continued rise of clinical, practical, work-integrated and experiential components into law degree programs, either as subjects, programs, or student placement opportunities.²⁶ Victorian universities vary in whether and how much practical legal education students must undertake to satisfy degree requirements, and what arrangements and opportunities are available to students to undertake clinical placement and experiential education.²⁷ Some, such as Monash University, have more than 40 years of practical legal education²⁸ partnering with Monash Law Clinics and South-East Monash Legal Service.²⁹ Deakin University also operates a Law Clinic based in the Melbourne CBD.³⁰ Many law students also volunteer at community legal centres independent of law school arrangements.

Clinical legal education is often positioned as the necessary pedagogic adjustment to respond to views that while law schools effectively teach students to think like lawyers, they do not adequately equip them with the practical skills necessary to effectively act as lawyers.³¹ This is part of wider debate about whether law schools should provide foundational legal doctrinal education, and also impart practical knowledge, experience and skills.³²

There is some research pointing to benefits of clinical placements and relationship with career choice. For instance, in their analysis of the *After the JD* dataset, Sandefur and Selbin found a strong relationship between experience of clinical training at law school and early career choice amongst those who had entered law hoping to improve society or help individuals.³³ For this group of graduates, whilst “clinical legal training may have been an

21 Urbis (2021, p.1).

22 Urbis (2021, p.1).

23 Urbis (2021, p.2).

24 Urbis (2021, p.23).

25 Urbis (2021, p.24).

26 Note that the literature often makes fine-grained distinctions between clinical legal education, internships and externships, and work-integrated learning etc. Distinctions turn on criteria such as whether or not they are done for academic credit, as well as the nature of supervision arrangements and assessment requirements.

27 While Victorian Universities tend to have practical or clinic-based subjects as elective unit or co-curricular options for students to pursue, the practical requirement is often relatively minor and optional.

28 Monash University is the first Australian university to offer law students a clinical guarantee, whereby every law student who wants to undertake a clinical placement is guaranteed that opportunity. See <https://www.monash.edu/law/future-students/cle/future-students>.

29 See <https://www.monashlawclinics.com.au/> and <http://www.smls.com.au/clinical-program/>.

30 <https://www.deakin.edu.au/law/law-clinic>.

31 Sandefur and Selbin (2009).

32 Evans, Cody, Copeland, Giddings, Joy, Noone and Rice (2017); Sandefur and Selbin (2009).

33 Sandefur and Selbin (2009).

important factor in sustaining or accelerating their original civic commitments”, the available data was nevertheless insufficient to establish a causal role of clinical training.³⁴

The link between experiential or clinical placements and interest in community lawyering is a subject of ongoing examination. Studies have found that clinical placements in community legal centres can build students’ awareness of centre work, and the difference they can make to clients and access to justice, thereby promoting community law as a professionally rewarding career option.

Evans et al. explained how clinical education placements can “foster student commitment to concepts of justice”, “rais[e] awareness of how the law and legal processes impact on people”, and also “provide law schools with a natural point of focus for community service”.³⁵ Giddings similarly described how experiential learning provides insight into practical operation of law, increases student capacity to critique the law and legal systems and how it can both foster interest in, and commitment to, social justice.³⁶ Cody also noted how clinical legal education programs based in community legal centres provide opportunities for students to engage with disadvantaged clients, critically analyse the lawyer’s role in society, and develop legal and other problem-solving skills.³⁷

Clinical education (within the law degree) has therefore been seen as a good fit for the way in which community legal centres operate, the nature of their clients, and the legal problems they handle.³⁸

1.4 This report

This report explores the relationship between legal education and community lawyering. Drawing on the unique opportunity provided by a survey of the workforce of Victorian community legal centres, the report specifically examines the extent to which those working in community legal centres in legal roles felt their university education had adequately prepared them for the reality of legal work in community legal centres.

The methods are set out in Section 2. Section 3 provides the findings, including the profile of respondents who completed law degrees; the extent to which respondents felt that their law degree prepared them for work in community legal centres; the perceived benefits of legal education for community legal centre work; how legal education could be improved; and community legal centre CEO perspectives on student placements. Section 4 concludes with a summary of the findings and discussion of implications.

³⁴ Sandefur and Selbin (2009, p.57).

³⁵ Evans et al. (2017, p.12).

³⁶ Giddings (2017).

³⁷ Cody (2011).

³⁸ See for example Evans et al. (2017) and Denvir (2020).

2. Methods

2.1 Participants and distribution

The project consisted of two separate online surveys. The first survey invited all of those working at Victorian community legal centres and the Federation of Community Legal Centres (Federation), to participate (Workforce Survey). This included paid staff, volunteers and board members. The second survey was sent to each community legal centre for completion by their CEO or a delegated member of staff with a strategic overview of the centre and its operations and covered organisation-wide issues (CEO Survey).

The Workforce and CEO surveys were distributed to community legal centres by the Federation.³⁹ Regular reminder emails were sent to encourage participation. The survey was voluntary, informed consent was obtained from all respondents, and respondents who chose to begin the survey could exit at any time.⁴⁰

2.2 Response

In total, there were 664 survey responses to the Workforce Survey, with the number per centre ranging from two to 61, and an average of 13 per centre.⁴¹ The results in this report are based on analysis of the responses of 420 Workforce Survey respondents who had completed a university law degree. The CEO Survey was completed by 31 respondents, and 26 answered the question about the centre's experiences taking law students on placement.⁴²

2.3 Survey instruments

The Workforce Survey questionnaire covered five main topic areas: 'you and your role', 'working in the sector', 'work and life', 'your needs' and 'overall views on community legal centres'.

The CEO Survey questionnaire covered some general questions about the CEO's centre, followed by six modules: 'staffing overview', 'agreements and awards', 'impact of COVID-19', 'challenges and pressures', 'funding and reporting requirements', and 'sector collaboration and the Federation'.

The surveys included questions developed specifically for this project as well as items from established workforce surveys, including the People Matters Survey,⁴³ the American Working Conditions Survey,⁴⁴ Victoria Legal Services

39 Individuals contact details were not shared with the VLF. There was the possibility that some people may have completed or partially completed the survey more than once. An algorithm was applied to uncover duplicate records. Twenty-eight possible duplicate cases were detected. Survey responses for each duplicate pair were assessed and nine duplicate pairs were identified and removed from the final dataset.

40 Ethical review was provided by the Victoria Law Foundation Board Research Sub-group, who approved the project.

41 Based on the CEO Survey results, the community legal sector has 1,211 employees, 318 board and management committee members, 2,081 volunteers and 313 students. 664 people completed the Workforce Survey which represented 16.9 per cent of the entire workforce. However, it is to be noted that of the 664, 506 respondents were employees who therefore represent 41.8 per cent of all employees. Response rates for students and volunteers (4.3%) and board members (8.2%) were low and their survey results should be treated with caution. Note that respondents were able to skip questions they did not wish to answer, meaning number of responses varied by question. In calculating percentages, we use number answering the question as the denominator throughout.

42 Respondents were asked 'Have you completed a degree in any of these areas? And 'Law' was one of the answer options.

43 Victorian Public Sector Commission (2020).

44 Maestas, Mullen, Powell, von Wachter and Wenger (2017).

Board and Commissioner survey on sexual harassment,⁴⁵ and an international survey of lawyer wellbeing.⁴⁶ The Workforce Survey also included standardised and validated scales to measure job satisfaction,⁴⁷ personal wellbeing and life satisfaction,⁴⁸ psychological wellbeing,⁴⁹ and resilience.⁵⁰

Each questionnaire was developed in collaboration with the Community Legal Centres Workforce Project Advisory Group comprised of representatives from a mix of small, large, specialist, generalist, metropolitan and regional legal centres, as well as the Federation. The full Workforce Survey and CEO Survey questionnaires are available in the *Technical report*.⁵¹

This report details findings from analyses of questions asking respondents about their experience and views of their university legal education: whether respondents felt that their law degree had prepared them for work in community legal centres; what in particular they thought had prepared them; and what would need to change in their degree program to better prepare them for work in community legal centres. The report also draws on questions from the CEO Survey that asked about the benefits and challenges associated with university student placements at community legal centres. The key questions used are detailed in Appendix A.

2.4 Procedure and analyses

The survey was administered online using LimeSurvey.⁵² Each questionnaire was programmed by VLF researchers and tested by VLF and Federation staff. Cognitive testing was conducted to identify, remedy and optimise survey comprehension and flow.

Statistical analyses for this report were carried out using SPSS and MLwiN statistical software packages.⁵³ SPSS was used for descriptive statistical analyses. MLwiN was used to fit a statistical model of whether or not respondents felt that their law degree prepared them for work in community legal centres (yes/no) on the basis of gender (male, female, non-binary), age (less than 30, 30-39, 40-49, 50-59, 60+), time working in community legal centres (months), whether or not respondents studied arts and humanities in addition to law, geography of most of their work (metropolitan or Regional, Rural, Remote (RRR)), whether their community legal centre was generalist or specialist, and whether or not they currently worked as a lawyer. The specific model fitted was a cross-classified logit model⁵⁴ which allowed exploration of whether or not respondent views varied significantly by university/law school and main centre (see Table B1 in Appendix B). This type of model was required since respondents belonged to both law schools and community legal centres (as illustrated in Figure 1).⁵⁵ The results of the model are described in the results in lay terms, with detailed statistical output summarised in Table B1 in Appendix B.

Open-ended survey questions, where respondents were asked to provide a written response, were analysed using MAXQDA, a software package for qualitative and mixed-methods data analysis.⁵⁶ Open-ended answers were analysed sequentially, and codes developed to summarise responses (i.e. inductive coding). Codes were reviewed and grouped to generate main or dominant themes.

Workforce and CEO Survey questionnaires and further methodological detail can be found in the separate *Technical report*.⁵⁷

⁴⁵ Ipsos Public Affairs (2019).

⁴⁶ International Bar Association (2020).

⁴⁷ Thompson and Phua (2012).

⁴⁸ Cummins (2013).

⁴⁹ Bech, Olsen, Kjoller and Rasmussen (2003); Topp, Østergaard, Søndergaard and Bech (2015).

⁵⁰ Smith, Dalen, Wiggins, Tooley, Christopher and Bernard (2008).

⁵¹ Kutin, McDonald, Hagland, Kennedy and Balmer (2021a).

⁵² Online survey software (Limesurvey GmbH, 2003).

⁵³ IBM Corp (2020); Rasbash, Charlton, Jones and Pillinger (2019).

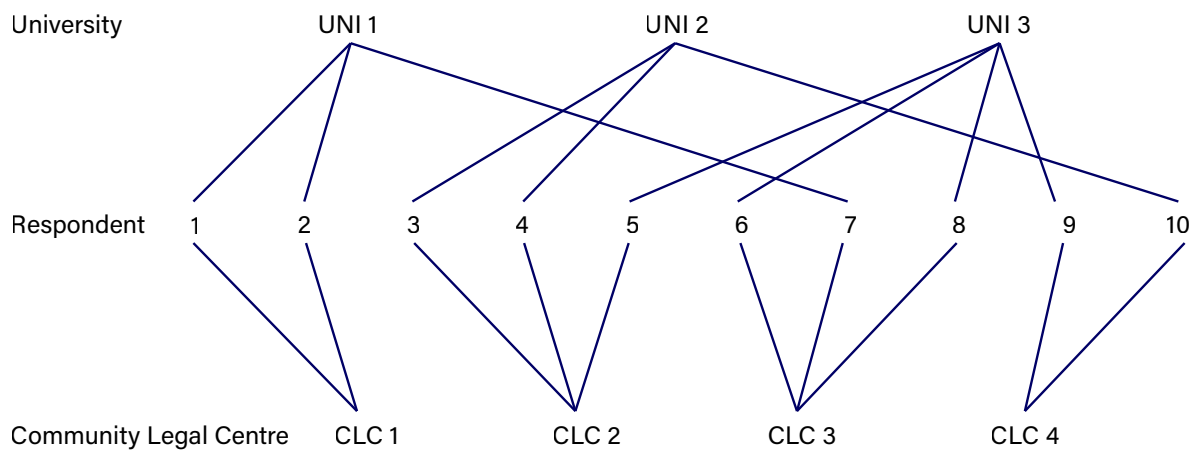
⁵⁴ A type of multilevel model. See Goldstein (2010) for further detail on multilevel models and the rationale behind them.

⁵⁵ Cross-classified models provide a simple way of accounting for this structure and assessing whether there were differences in the perceived utility of law degrees by law school or for different community legal centres. The focus is not on individual schools or community legal centres, in part since fitting a term for each would not be realistic since numbers for some were very small, but on estimating the pattern of variation in the underlying population of law schools and community legal centres.

⁵⁶ VERBI Software (2019).

⁵⁷ Kutin et al. (2021a).

Figure 1. Cross-classified data structure with respondents belonging to law schools (UNI) and community legal centres (CLC)



3. Findings

3.1 Respondents who studied law

Of 664 Workforce Survey respondents, 568 (85.5%) held a bachelor's degree or above. In total, 420 (63.3% of all respondents) had a law degree. These respondents are the focus of this report. Respondents with a law degree comprised 309 women (74.8%), 98 men (23.7%) and six people who identified as gender diverse or non-binary (1.5%).⁵⁸ Twenty-four per cent were aged in their twenties, 36.3 per cent in their thirties, and 19.6 per cent in their forties. Smaller percentages were aged between 50 and 59 years (10.8%) and 60 years and older (9.3%).⁵⁹

Overall, 75.2 per cent reported studying law at a Victorian university, 22.1 per cent at another Australian university, and 2.7 per cent at an overseas university. Overall, those with law degrees had most commonly been at Monash University (20.8%), University of Melbourne (16.4%), Deakin University (14.2%), and La Trobe University (14.0%), followed by Victoria University (6.6%), Australian National University (3.4%), University of Queensland (2.9%), Queensland University of Technology (2.9%), University of Adelaide (2.2%), and RMIT University (2.0%). Other Australian and overseas universities comprised less than two per cent of respondents.⁶⁰

The sub-group with a law degree ($N = 420$) most frequently reported having also completed an arts and humanities degree (54.0%), with smaller proportions reporting also undertaking a business and management degree (9.3%), psychology degree (5.2%), and social and public policy degree (4.0%).⁶¹

Amongst those with a law degree, 53.1 per cent reported that they currently held an unsupervised legal practising certificate, 24.7 per cent held a supervised legal practising certificate, 4.2 per cent that they previously held a practising certificate, and 18.0 per cent that they had never held a legal practising certificate.⁶² Amongst those who currently held a legal practising certificate, they had been admitted to practice for a median of 7 years.⁶³

The most frequently reported area of legal practice was civil or administrative law (62.1%),⁶⁴ followed by family law, family violence and child protection (48.9%), and criminal law (26.9%).

⁵⁸ 12 of the 420 respondents did not indicate their gender. There was no significant difference in gender distribution of Workforce Survey respondents who had studied law and those who did not.

⁵⁹ 408 of the 420 respondents indicated their age group.

⁶⁰ See further Kutin, McDonald, Hagland, Kennedy and Balmer (2021b).

⁶¹ Respondents could select more than one other area of study. Other areas of study were science and engineering (3.3%), health fields (2.9%), community development (1.4%), social work (1.2%), and 'other' areas of study (1.2%).

⁶² $N = 384$. No response was recorded for 36 people.

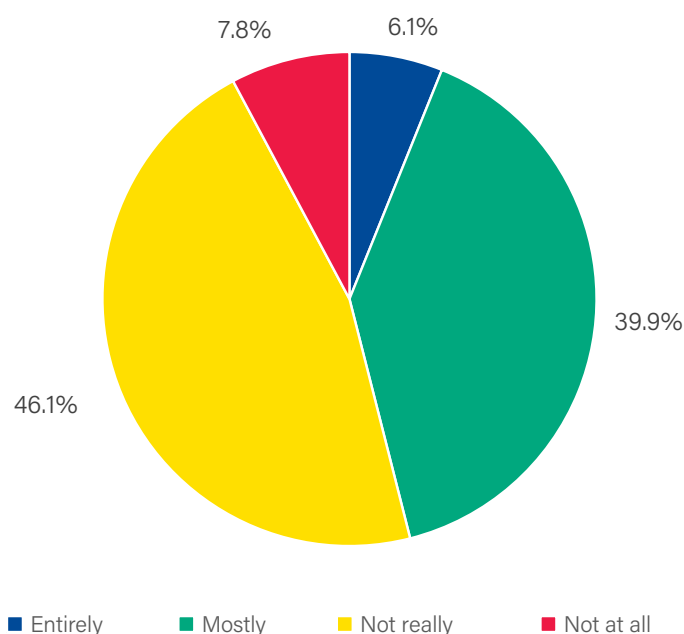
⁶³ $N = 284$. Due to the skewed nature in the distribution of the number of years that respondents had held a legal practising certificate, the median, rather than the mean, is reported as it is the preferred measure of central tendency for skewed distributions. Number of years that respondents reported having held a legal practising certificate ranged from a low of one-year, to a high of 46 years.

⁶⁴ The administrative and civil law area of legal practice also included migration, tenancy, and employment issues. From the sub-sample of 420, only people who worked as lawyers or principal lawyers, or those who currently or previously held a Legal Practising Certificate, were asked question A3Q3b ($N = 327$).

3.2 Law degrees as preparation for community legal centre work

Figure 2 shows the extent to which respondents felt that their law degree prepared them for work in community legal centres. Overall, 46.1 per cent felt that their law degree had mostly or entirely prepared them for their community legal centre work, with the remaining 53.9 per cent indicating that their law degree had not really, or not at all, prepared them.

Figure 2. Whether survey respondents felt that their law degree prepared them for work in community legal centres



To further investigate whether or not certain factors were associated with respondents' views about their law degree, the statistical model described in the 'procedure and analyses' section above was fitted (see Table B1 in Appendix B for a summary of the variables in the statistical model).⁶⁵

The analysis showed that older respondents, particularly those aged 60 years and over, viewed their law degrees as useful (i.e. as having entirely or mostly prepared them for community legal centre work).⁶⁶ Controlling for other variables in the model,⁶⁷ only 43.2 per cent of those aged under 30, 38.9 per cent of those aged 30 to 39 years, and 40.7 per cent of those aged 40 to 49 years, perceived their law degree as useful, compared with 62.7 per cent of those aged 50 to 59 years and 65.6 per cent for those aged 60 years and over.

Again, after controlling for other variables, male respondents were significantly more likely than female respondents to perceive their law degrees as having been useful,⁶⁸ with 58.4 per cent of male respondents identifying their law degree as having prepared them for community legal centre work, compared with only 40.9 per cent of female respondents. Differences in views by gender and age group are illustrated in Figure 3.⁶⁹

⁶⁵ The model examined the following response categories: 'Yes, entirely' and 'Yes, mostly' versus 'No, not really' and 'No, not at all'.

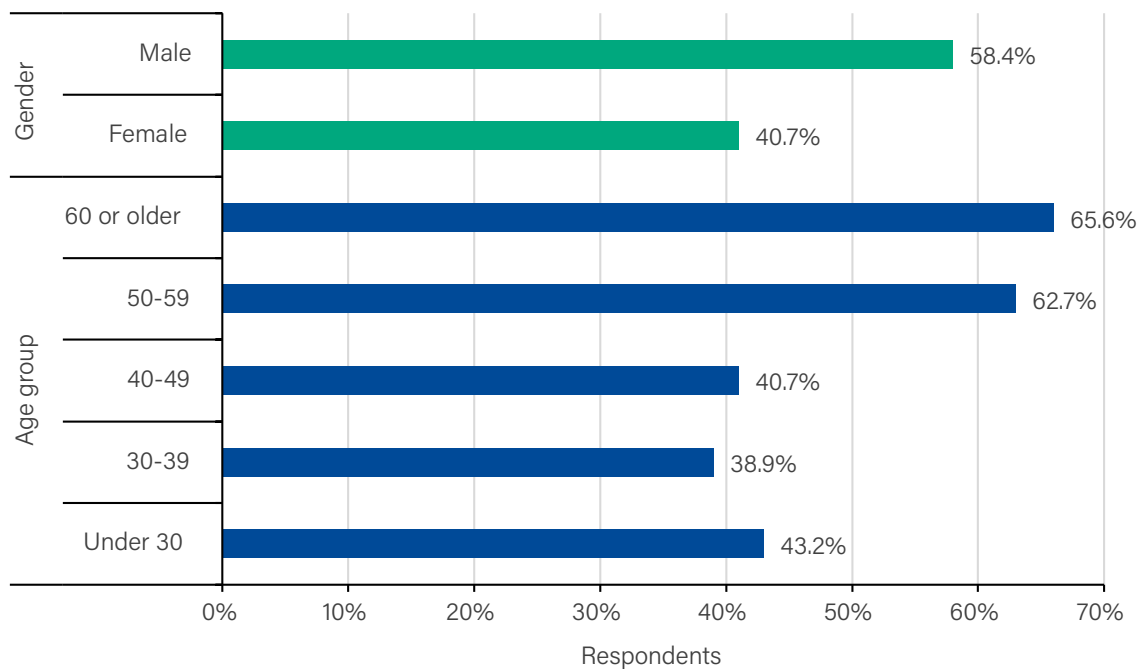
⁶⁶ Differences reached statistical significance when comparing those aged 30-39 to those aged 60 or more; $\chi^2 = 0.530$, $df = 1$, $p = 0.021$.

⁶⁷ Simulating from the model holding other continuous variables at their mean or categorical variables in the proportions observed in the data.

⁶⁸ Testing the model term; $\chi^2 = 0.541$, $df = 1$, $p = 0.020$.

⁶⁹ Note, that the number ($n = 6$) of gender diverse and non-binary respondents was too small to viably include as a discrete group in the statistical model.

Figure 3. Percentage who viewed their law degrees as useful (entirely or mostly) to their community legal centre work by age group and gender, controlling for other model variables



There was no evidence of a statistically significant relationship between perceived utility of law degrees and months working in community legal centres, whether respondents had also studied arts or humanities, whether work was mainly in metropolitan or regional, rural or remote areas, and whether respondents' main community legal centre was specialist or generalist. Interestingly, those with law degrees working in non-lawyer roles at community legal centres appeared somewhat more likely to see their law degrees as useful to their work, though the difference fell short of statistical significance.⁷⁰

Importantly, there was no evidence of statistically significant variation across centres⁷¹ or across universities⁷² in the probability of law degrees being perceived as useful to community legal centre work.

3.3 Benefits of legal education

Where respondents indicated that their law degree had prepared them for community legal centre work, they were asked which aspects were most useful, and were invited to answer in their own words.⁷³ If respondents said their law degree did not prepare them for work in community legal centres, they were asked what would need to change. Again, they were invited to answer in their own words.⁷⁴

Where respondents felt their law degree had been useful for community legal centre work (i.e. as having entirely or mostly prepared them), their reasons predominantly fell across four overlapping themes. First, many respondents emphasised aspects of the general and specific legal knowledge they had gained from their degree. Second, respondents often expressed how their degree had provided them with legal skills, particularly in research, analysis and legal interpretation. Third, undertaking clinical placements or volunteering provided practical experiences

⁷⁰ Testing the term; $\chi^2 = 2.62$, $df = 1$, $p = 0.11$.

⁷¹ Testing the random community legal centre model term; $\chi^2 = 0.001$, $df = 1$, $p = 0.98$.

⁷² Testing the random university model term; $\chi^2 = 0.47$, $df = 1$, $p = 0.49$.

⁷³ 104 respondents provided answers to this question. This question was only asked of people who had a law degree and indicated that their law degree had either 'entirely' or 'mostly' prepared them for work in community legal centres.

⁷⁴ 212 respondents provided answers to this question. This question was only asked of people who had a law degree and indicated that their law degree had either 'not really' or 'not at all' prepared them for work in community legal centres.

which helped prepare respondents for community legal centre work. Finally, several respondents noted how their degree (or more commonly, specific subjects and/or staff) had sparked interest in working in social justice. Each theme is discussed in turn.

Gaining knowledge

Many respondents reported that their degree equipped them with the general legal knowledge necessary for their community legal centre work, and often noted the importance of a “broad range of subjects to reflect a broad range of practice areas” that imparted “foundational legal knowledge suitable to learn quickly in a community legal centre”. It was also common for respondents to note how specific university subjects and classes provided specialised knowledge relevant to community legal centre work, with human rights law, family law, criminal law and dispute resolution the units most frequently cited.⁷⁵

Another common insight was how law degrees gave respondents the opportunity to “think about the law in its context” as “something that can and has changed and adapted to community need”. Respondents also discussed the role of law degrees in “understanding the legal framework” in which community legal work is situated, and helping to inform their day-to-day centre work, even if not working in a legal role. For example, one respondent explained how their legal training had helped them in their centre operations role:

I am not working in a legal role so I'm not directly using my legal training, but it aids my understanding of the work done by our community legal centre and how to support the team. (Workforce Survey, Centre operations)

Another respondent explained how their legal education informed their policy work:

A broad understanding of the legal system and legislative reform processes is necessary for the policy work that I do. (Workforce Survey, Centre operations)

Gaining skills

Specific legal skills respondents explained were useful in community legal centre work included legal research skills, such as the ability to “research new areas of law” and “locate case law/legislation and relevant resources,” as well as more general legal and analytical skills. Several respondents cited how their university training had built their confidence in tackling complex legal issues and problem-solving, for example:

The problem-solving skills that I acquired during my law studies helped a lot. I am more comfortable in asking for a complex issue and giving myself a chance to solve the issues before talking to my supervising solicitor. (Workforce Survey, Legal role)

This extended to being able to filter and focus on pertinent questions, and identify critical legal issues – fundamental and foundational legal skills developed at law school – and tested through traditional ‘fact scenario’ examination questions:

Better understanding of the law and what is and isn't relevant to consider i.e. issue spotting. (Workforce Survey, Client role)

⁷⁵ As well as subjects such as civil liberties, administrative law, alternative dispute resolution, remedies, civil litigation and corporations' law.

Gaining real-world experience

Respondents also frequently emphasised how opportunities to undertake work experience and clinical placements at community legal centres during their legal studies had been important in providing “an appreciation of the work community legal centres do”, and for some, how it had directly prepared them for the realities of community legal centre work.⁷⁶ Cited placement locations included several community legal centres (including those that had an affiliation with a university, such as the long-standing Monash Legal Service, now Monash Law Clinics at Clayton) as well as placements in other public legal assistance service such as Victoria Legal Aid (VLA):

Part of the degree at Deakin were classes where we were required to do placements in law firms and community legal centres and these practical applications of law prepared me for the reality of a community legal centre, including client management. (Workforce Survey, Legal role)

Others expanded upon ideas of preparation for community legal work, noting that their experiences of clinical placements had provided inspiration for pursuing a career within the community legal sector:

I undertook a practical unit at a community legal centre as part of my degree which is what lead me down this path. (Workforce Survey, Leadership role)

Respondents often felt strongly about how important and useful the opportunity to undertake practical legal experiences at university had been for them and their community legal centre work, with many voicing support for practical training (i.e. legal placements) being made a compulsory degree requirement. Another described the value of law subjects having practical components, and thought that a placement should be mandatory:

[I took a] student placement at VLA office in Preston (it was an elective [but] should be mandatory): ‘criminal law in practice’. This allowed students to work with clients/manage a few files under supervision of lawyer/teacher throughout the semester. (Workforce Survey, Legal role)

One respondent explained that when they did their studies “there was a requirement to undertake work experience as part of the degree” but expressed concern that “this is no longer the case”.

Others said law degrees provided limited practical training, several explaining how they had undertaken voluntary work while studying to gain real-world experience and otherwise make up for what they saw as deficits in university law syllabuses.

The rationale for volunteering while studying, not surprisingly, frequently also aligned with shared values of “wanting to help the vulnerable in the community” between community legal centres and students. As one respondent described, volunteering meant they were “able to contextualise my learning with my work”. Another brought these themes together in explaining that:

I volunteered a lot so that helped me learn how to speak and explain complex matters to people from CALD backgrounds and other vulnerable community members. (Workforce Survey, Legal role)

Several respondents also specifically pointed to student placement and volunteering in community legal centres as having provided insight into the way in which centres help people, the type of people who rely on them for legal and other help, and how they provide access to justice to those in need.

⁷⁶ In contrast, in the next section the opposite observations are reported – that law degrees did not provide enough practical or clinical experience.

Gaining interest in social justice and access to justice

Many respondents thought issues of social justice needed to come to the fore. Awareness of social justice, access to justice issues, and community lawyering was generated by some law school subjects, but frequently through the knowledge and passion of inspiring teachers. An understanding of community legal centres and the work they do, picked up through placements or volunteering also offered an exposure to these issues.

Several respondents noted how their degree had sparked an interest in social justice or how they were disillusioned with their studies before stumbling upon the community legal sector. Reference was also widely made to elements of law degrees that departed from more traditional and standard doctrinal teaching approaches that put an “emphasis on social justice and pro bono work”.

Responses also referenced various social justice focused initiatives, programs and activities that had made a difference to their outlook and uptake of opportunities:

I participated in the “Brennan Social Justice Award”⁷⁷ program at [University Technology Sydney]. The program encouraged students to volunteer and take an active interest in access to justice issues. I volunteered at a community legal centre as a result of this program. (Workforce Survey, Legal role)

Individual members of faculty were often cited as putting law in a broader social context and imparting social justice interest and values. Several respondents noted fortuitous interactions with certain faculty lecturers and tutors who drew on their “experiences of working at community legal centres” in their teaching, and how this had been transformative, for example:

The faculty also had a few lecturers that were keen to remind students that a life in the law wasn’t just about money. It was about social justice, community action and empathy. I have certainly appreciated their guidance and wisdom since. (Workforce Survey, Legal role)

Others attributed their decision to pursue a career within community legal centres to particular teachers:

I first got involved in community legal centre work because one of my tutors worked at a community legal centre and encouraged me to apply for a placement there. (Workforce Survey, Legal role)

To this end, the extent to which law degrees had sparked an interest in the operation of law and social justice was more often a function of people than programs – a view reinforced by the findings outlined in Section 3.2 where there was no effect on the usefulness of law degrees based on university program.

Universities equip students with foundational legal knowledge and skills, and in some cases, spark an interest in social justice. The findings emphasise the influential role of practical experience of community legal services and social justice issues while studying. Clinical placements or volunteering, as well as the influence of individual faculty members, were key factors contributing to preparation for community legal work. In contrast, the next section focuses on respondents who felt their law degree failed to prepare them for community legal centre work, many of whom provided a very different perception of issues of legal knowledge, legal and practical skills.

77 <https://www.uts.edu.au/study/law/undergraduate-law/course-experience/brennan-justice-and-leadership-program>.

3.4 How legal education could be improved

Respondents who viewed their law degrees as not having prepared them for community legal centre work were asked what they thought needed to change. Suggestions ranged from broadening the focus and range of subjects taught, to greater acknowledgement of access to justice and community lawyering in teaching. Other issues identified included having greater opportunity to develop important practical and 'soft' skills (i.e. effective communication, listening, engagement, and interpersonal skills, along with attributes such as sensitivity, empathy and emotional intelligence, and positive attitude to work). There was a strong call for clinical placements to be made a standard offering (or even mandatory) during degree programs, and greater overall support from law schools for clinical work, volunteering, and community legal centre placements. Respondents also suggested that a greater recognition of pressing access to justice issues across subjects was needed.

Broadening the focus and enhancing real-world relevance

Contrasting some of the positives drawn from legal education above, respondents frequently referred to a mismatch between the legal matters focused on in degree programs, and those most frequently experienced by the public, such as those typically served by community legal centres.

Family violence was one widely cited example – one respondent explaining that it “isn’t even an undergraduate subject at law school” even though it was a frequent factor in a wide range of legal issues experienced by community legal centre clients. Others indicated a need for a broadened focus to include other ‘everyday legal matters’, such as accidents, consumer, debt, family, fines, tenancy, neighbour, migration, and social security law.

Respondents who felt ill-prepared by law school also widely characterised compulsory legal subjects as being unduly focused on private practice and commercial matters. They felt the reality of community legal centre work, the broad range of legal and related matters involved, the breadth of legal and inter-personal skills required, and the depth of client needs were overlooked in the degree.

For many, the Priestley 11 subjects were seen as being unduly limited in both the substantive legal issues covered and the reality of community legal assistance:

There was insufficient focus on community legal centre ‘bread and butter’ legal matters (e.g. family violence, tenancy, small debts) or their unique approach (combination of community development, casework and law reform). (Workforce Survey, Legal role)

Some urged radical action:

Abolish the Priestley 11. Teach tenancy and other areas relevant to the sector. Teach public interest lawyering and (social) movement lawyering. (Workforce Survey, Legal role)

Responses also frequently indicated that the lack of breadth meant that legal education overlooked other key and emergent features of community legal sector work, such as holistic lawyering; trauma-informed practice; working in partnership and collaboration with other professionals; effective legal information, community legal education, and community development; planning, monitoring and evaluation of community legal assistance services; and increasingly, systemic advocacy, law reform and policy analysis skills. For example:

I think more emphasis on (systemic) advocacy skills would be useful. Policy and how laws are made / changed are addressed in a politics degree but perhaps more coverage of this would be helpful for students that don’t take politics. (Workforce Survey, Legal role)

Changing the focus to reflect community experience

It is perhaps unsurprising that those who felt that their law degrees had not adequately prepared them for community legal centre work also tended to see the focus of law schools as skewed towards private and commercial legal practice rather than public interest and community lawyering.

For some, their experience of law school education was one where the overriding view of a “successful legal career” was constantly presented as working at either a top or middle tier boutique law firm, graduating to partner or becoming an in-demand barrister. This focus tended to marginalise and exclude community lawyering as a second-class career option. In turn, another casualty of the dominant focus on private and commercial legal practice was relegation of the legal needs of disadvantaged, marginalised and diverse community groups. For example:

During university, you rarely hear about opportunities to work within the community legal sector. It was often about top and mid-tier firms. This means that oftentimes the way educational material is delivered is from a single point of view, without considering people from diverse backgrounds, First Nations, disability etc. (Workforce Survey, Legal role)

This extended to views that prevailing pedagogy and doctrinal approaches to teaching based on black letter law, legislation and case law, failed to provide a social context to the law. This approach fails to emphasise how law functions in the real world, how legal matters and disputes are overwhelmingly resolved, and what the community needs to access and make effective use of law.

A change of focus, however, would be needed to reflect this context, as well as appreciation of what community legal centres do and why they do it. In response, many respondents indicated the need for subjects (either prescribed or as electives) to give greater account of social disadvantage, community and social services, a more holistic view of the justice system, and of course, “greater focus on social justice, access to justice issues”:

[Have] different electives more relevant to the areas of law seen in community legal centres, skills-based coursework, placements in community legal centres, and teaching law in the context of social need. (Workforce Survey, Legal role)

In terms of substantive areas of law, several respondents suggested a more practical approach to the reality of how people have to apply law, including a more practical emphasis in the vein of *The Law Handbook*⁷⁸; “a compulsory or specialist subject in ‘community law’”, one that includes “contemporary approaches to holistic lawyering and working with other professionals”, a subject introducing “the history of Legal Aid/community legal centres” as well as “principles of social work and financial counselling”.

Also relating to the lack of breadth of university law school studies, other responses referenced the need for teaching to pay greater attention to legal service planning, monitoring and evaluation; advocacy and policy work (including law reform); and community development and engagement. One respondent brought these ideas together as follows:

The program would need to include information on issues facing disadvantaged/vulnerable people in our community (legal and otherwise) and how lawyers may assist, the importance and impact of integrated service provision (including how to interact and collaborate with other professionals to provide the best outcomes for clients), the role of lawyers when working with vulnerable community members (e.g. working with women or older people experiencing family violence), and trauma-informed practice and applying a trauma-informed lens to the legal system. (Workforce Survey, Centre operations)

78 A long-running practical guide to the law in Victoria, published by Fitzroy Legal Service. See <https://fls.org.au/law-handbook/>.

Making education practical

Respondents commonly indicated a need for a significant change of focus to facilitate community work and better support the community legal sector and access to justice. For many, law school education retained a narrow and privileged focus, disconnected from communities. Some thought university law schools had failed to keep pace with the reality of contemporary community legal practice, with the most common criticism being a lack of attention to practical skills. Law degrees were frequently characterised as being excessively theoretical with “basically no practical aspect” with “much of the content ... pointless to most practitioners”.

While many respondents noted more practical skills were taught as part of Practical Legal Training (PLT) programs,⁷⁹ many thought earlier introduction to these skills and greater focus on community legal sector practice would have been beneficial.

The overlapping issues of law degree content and focus, practical legal training, and nature of community legal sector work was something many respondents were deeply passionate about, as illustrated by the following views:

[A law degree provides] no practical experience, which is essential to working as a lawyer in general ... It teaches you research skills but that is about it. My PLT course ... was the best thing for me in my legal education. (Workforce Survey, Legal role)

Law schools as a whole need to focus much more significantly on practical education to prepare students for actual work. Although it is clear that not everyone who completes a law degree intends on becoming a lawyer, practical education should not be left for the GDLP,⁸⁰ which most lawyers regard as a ridiculous time waster and money waster in any event. (Workforce Survey, Legal role)

Law degrees are tailored for persons seeking to work in private practice and often with a significant focus on commercial matters ... No universities teach students to review a fine, or to make an application to VCAT regarding a tenancy dispute, they do not teach you how to make referrals to non-legal supports for your family violence AFM [affected family member] client. It is the nature of the legal sector that corporate, commercial and private practices are held with an elite view, being the only place that one should aspire to work, and that working for even a small regional private practice is somehow “less than”. (Workforce Survey, Legal role)

While such views point to issues of regulation and admission to legal practice requirements, analysis pointed to two core themes summarising many of the references to practical training: the need to develop an understanding of how to work with clients (who often had complex needs); and a need to appreciate the context and everyday reality of community legal work.

Working with clients

Several respondents felt that practical skills training should focus on developing and understanding how to work with clients. For many, this was seen as a key deficiency of university legal education. Respondents were of the view that university taught little about clients, and importantly for community legal work, little about providing legal services to different cohorts of clients, such as those from culturally diverse backgrounds, those suffering trauma, or those with complex overlapping legal and other related needs:

⁷⁹ See <https://www.liv.asn.au/Professional-Practice/Supporting-You/Managing-Your-Career/Qualifying-to-Practise-Law#Practical> for details.

⁸⁰ Graduate Diploma in Legal Practice.

They certainly do not teach you how to engage with clients, especially clients who have mental health issues, drug and alcohol dependency, intellectual disabilities, etc. (Workforce Survey, Legal role)

For many, the essence of community lawyering was working with diverse communities facing diverse and complex needs, which returned to the idea of broadening or otherwise altering the focus of education to take account of different client needs and legal work:

For example, understanding trauma and working in a trauma-informed way. Understanding social services models. Working with mental ill-health and other disabilities. Working with CALD communities. History and culture of Aboriginal and Torres Strait Islander peoples. Intergenerational trauma. Understanding poverty and its impacts. Working with LGBTIQ communities. (Workforce Survey, Legal role)

These aspects were one of the main reasons law schools were seen as disconnected from community lawyering and letting the community legal sector down by failing to develop students' soft skills. While such skills were noted to be a feature of other professional degrees, (such as undergraduate social work and education degrees which provided early exposure to working with clients and students), respondents identified such skills as a key feature missing from law degrees.

Related to this was the need for training covering the impact of trauma, stress, and disadvantage on clients, and on them as professionals (vicarious trauma⁸¹), and the associated view that learning how to manage work-related stress, trauma, burnout and wellbeing should start at law school:

We should also have a unit on how to engage with highly emotive clients who have traumatic backgrounds – this can be very overwhelming. We are not trained social workers but are often expected to step into a similar role. (Workforce Survey, Legal role)

Understanding practical realities

Another commonly identified improvement linked real-world experience with greater understanding of the practical realities of community legal centre work. In addition to working with clients' diverse and complex needs, respondents mentioned the importance of having insight into multi-disciplinary practice, training on how to work with stakeholders (including other legal and human services) and understanding how to navigate the wider social and community service system. Bringing some of these ideas together, was the following observation about the need for training on practicalities:

A law degree teaches you the law – not how to be a lawyer! Being a good lawyer is about understanding client need and providing tailored solutions that meet client needs, in what is invariably an imperfect system/situation ... you can't afford to be a black letter lawyer – ever, but especially in a community legal centre environment – because it's too one-dimensional and won't best meet the needs of your clients or be the best use of your limited resources. (Workforce Survey, Leadership role)

⁸¹ Vicarious trauma most commonly refers to work-related exposure to trauma. It also encompasses other terms such as secondary traumatic stress, compassion fatigue, and critical incident stress. See for example the US Office for Victims of Crime, Vicarious Trauma Toolkit, <https://ovc.ojp.gov/program/vtt/what-is-vicarious-trauma>. A vicarious trauma toolkit is also being developed by WorkSafe Victoria, see <https://www.worksafe.vic.gov.au/resources/vicarious-trauma-prevention-and-awareness-toolkit-year-one-update>. Maguire and Byrne (2016) found in a small sample of lawyers that they were more likely to have symptoms of vicarious trauma compared to mental health workers – possibly due in part to the fact that they have not been trained in dealing with trauma.

Numerous references were also made to the need for an understanding of the practical context of community legal centre work and wider legal assistance, justice system, and community services and what can be done for clients:

Also specific to community legal centres, (the law) degree could use more understanding of how chronically underfunded the community legal sector is, and how the law is really ill-equipped to solve the problems of most real people because of practical problems like cost, delay etc. (Workforce Survey, Legal role)

Encouraging opportunities

As discussed above, those who completed placements or volunteered at community legal centres often viewed these experiences as providing critical practical understanding otherwise lacking from law degrees. Consequently, several respondents felt that public universities had a duty to support public access to justice and legal assistance services, and that student placements and practical training in the community legal sector was a good way to do this.

However, there were also barriers to uptake, even where opportunities already existed, including limited awareness and understanding of community legal centres among law students. For example, some respondents reported that universities have a responsibility to build awareness of the community legal sector – its history, its aims, and its potential to provide a rewarding career – particularly since community legal centres have limited resources to promote themselves.

Importantly, the benefits of placements were not restricted to students, and neither were associated challenges. Respondents noted that student placements and volunteers could be highly beneficial to community legal centres, increasing service capacity while exposing students (and prospective sector employees) to their work. However, practical training and support also required centre time and resources, and there was a strong sentiment amongst some respondents that universities often extracted greater value from community legal centre placements than the centres themselves. Others highlighted how centres were simply not funded or staffed to provide training, thus raising the wider issue of centre funding and resourcing pressures:

Placements are a good idea – but need to be resourced. Otherwise, staff just take on more work. (Workforce Survey, Legal role)

Consequently, some centres were considering, or had made the decision to stop taking students on placement, citing a lack of time to coordinate programs or mentor students, or a preference for long-term volunteers. The final part of the results explores the experience of placements from the perspective of community legal centre CEOs.

3.5 CEO perspectives on student placements

Main benefits of student placements

CEOs of community legal centres were surveyed separately, however several reinforced the views expressed in the main survey on the organisational benefits of student placements. They spoke of a rewarding experience for both students and services, with students able to increase capacity and support organisational values and culture:

[Taking students] increases our community legal centre's capacity to deliver casework for clients and law reform activities; provides extra support for lawyers because they can delegate some of their work to the students; contributes to positive atmosphere in the office because students are passionate about social justice and keen to learn. (CEO Survey)

CEOs reinforced the benefits of placements for students and explained how placements could also help develop staff skills and experience such as mentoring and management skills. For students, CEOs identified benefits of exposure to real world social and access to justice issues, gaining first-hand insight into the nature of community legal centre work, and appreciating the difference they could make to people and communities. Student placements were seen as an important way to foster interest in the work of community legal centres, as a possible career path, and to increase the pool of prospective centre employees. CEOs reported that students typically develop deeper understanding of the community legal sector and sometimes go on to employment in centres and allied roles:

We try to take a wider view of the contribution that our training makes to creating a generation of human rights lawyers which can take their experience and knowledge gained from their work in our service to whatever area they end up working in. (CEO Survey)

As a cost/benefit proposition however, views were split. Some CEOs were very positive, indicating immediate benefits of investing in students:

Students can really add value to our case work. It is well worth investing in their onboarding and training as we do usually get a substantially beneficial return as they are with us for an intensive and quite often extensive period. (CEO Survey)

Other CEOs were more circumspect, expressing the view that costs could outweigh benefits, and questioned the value and sustainability of continuing to participate in student placement programs. The main challenges associated with student placements and barriers to successful programs are set out below.

Main challenges of student placements

Similar to responses in the Workforce Survey, time and resource pressures were identified by CEOs as barriers to successful and sustainable student placement programs. CEOs identified the burdens of student induction, administration and doing what it takes to successfully host a student on placement, which some CEOs felt were under-appreciated by universities:

Investing in students, supervising a student takes an extraordinary amount of time from the whole team. I do not believe that universities fully appreciate the amount of time and resourcing it takes to make a placement of a student successful. (CEO Survey)

There were several responses explaining how the cost of student placements could outweigh their benefits, especially for shorter-term placement programs:

We are constantly weighing the benefit of having these students as they are only with us for a semester, and they leave us just as they start becoming useful and finding their way with the work. (CEO Survey)

In addition to resource considerations, CEO respondents also explained how successful placements also depended on having students that were well prepared, had realistic expectations, and were well suited to community work. Some CEOs noted negative attitudes amongst some law students to non-legal practice work, such as necessary administrative tasks, particularly among students on Practical Legal Training placements.

Sometimes their expectations are unrealistic – that is, expect to be seeing clients/going to court and not so interested in admin. (CEO Survey)

Several CEOs characterised the core challenge as one of finding the right students. Respondents noted that this was not straightforward, sometimes requiring a number of, or evolving approaches. For example:

They are a bit unpredictable in regard to their skills, aptitude and reliability. We've tried a few ways with universities to screen [them], but not terribly successfully and it's time consuming. (CEO Survey)

Challenges were also sometimes exacerbated in regional areas where students may be required to relocate and stay for a reasonable length of time for placements to be cost-effective. This also increased the challenge in finding appropriate candidates amongst the significantly smaller pool of students able to take a regional placement:

We require students who are able to base themselves in our region during the placement, and require them to do a block of time, minimum 25 days. Otherwise, the cost to our staff of having to train and supervise volunteer law students outweighs the benefit. The challenges of hosting such placements includes:

- 1) Difficult to have continuity between student placements, due to limited pool of students able to travel to region and stay here for the minimum 25-day period.*
- 2) It takes time to train students to deliver the work we need them to do.*
- 3) Ongoing supervision time. (CEO Survey)*

As noted in comments in the main survey, some CEOs reported that the challenges of successfully taking students on placement meant that their centre was reassessing future participation in such programs, while others were looking to make changes to reduce burdens on centre staff.

Features of successful student placements

CEOs described several features of successful student placement programs. These included measures to find appropriate students, create an ongoing positive environment and student supervision.

A common thread was finding students best suited to community legal centre work, such as those with similar social justice values and commitment to community access to justice, and otherwise fitting a preferred profile. One CEO explained this as follows:

We have negotiated with [university] that we only want students in their third or fourth year of uni; we carefully vet their CVs and choose the ones with the most appropriate experience and background for our client group and service type. (CEO Survey)

Several CEOs indicated that well-designed programs could successfully mitigate burdens associated with taking on student placements:

[Students] require good supervision and support which can take up resources, but with a well-structured set up, the resource intensiveness does not outweigh the benefits. (CEO Survey)

Other features of successful programs included those aimed at maximising students' contributions, for example through highly structured programs, and clear supervisor and student responsibilities and expectations:

We have a good system in place to manage these challenges. Primarily we have employed part-time team leaders who are on hand as a first port of call for students, so they always have somewhere to turn to ask questions. (CEO Survey)

Critically, when suitable students were found and where they were given the opportunity to make a tangible contribution to centre's work, CEOs highlighted the win-win benefits of student placement programs. Despite the cost-benefit concerns noted above, several respondents indicated that successful programs could offset the costs of training and supervision through increased service capacity which make student placement programs more sustainable.

4. Discussion

This report has explored, through the eyes of people working in Victorian community legal centres, whether and how their law school prepared them for community legal work, what was beneficial, and their views on how law degrees could be improved to better meet the reality of community lawyering.

The findings provide new empirical insight on long-standing legal education debates. They echo many of the wider observations and concerns about the systemic, regulatory and normative dimensions of law degrees and law school education, requirements for professional practice, and contested views about what legal education should cover.

Several drivers of change in legal practice and education – including increasingly global and transnational practice, technological change, change in organisation and regulation of the legal profession, and potential supply of legal graduates outstripping demand in local markets – challenge alignment of effective legal education with changing perceptions of effective legal practice in a rapidly transforming legal services market.⁸²

The findings here, however, add some new observations about how community lawyering is contributing the legal education debate, and raise further questions about how law schools should be responding.

By specifically focusing on preparation for community legal centre work, the findings are a reminder of the critical role universities can play in seeding interest in community lawyering and in preparing the community lawyers of the future. The findings show that community lawyering is a relevant and necessary part of the conversation about how legal practice is changing, and what the appropriate balance between doctrinal and experiential education should be.

Taken together, the findings have several important implications which highlight the interests of community legal centres specifically, and the responsibilities of educators and regulators to support effective and sustainable community and public lawyering more generally.

While other scholarship has observed drivers of change in the nature and operation of the legal services market and how modern legal education might be made more responsive to changing needs, the findings here highlight issues for community legal practice. In an already crowded curriculum, where do such needs rank?

4.1 Summary of findings

Usefulness of law degrees

Less than half of the respondents (46.1%) reported that their legal education had entirely or mostly prepared them to work in community legal centres. The majority (53.9%), however, thought that their law degree had not really, or not at all prepared them. Analysis revealed that older respondents and male respondents were both significantly more likely (than younger and female respondents respectively) to view their law degrees as having been useful preparation. Interestingly, the university respondents had graduated from, or which community legal centre they were working at, were not significantly associated with the perceived usefulness of their law degree for community legal centre work.

⁸² See further Denvir (2020), Thornton (2007, 2012) and Webb (2020).

Understanding community law

The prescribed Priestly 11 areas of law that must be studied at law school are complemented by opportunity to undertake other elective subjects. While the Priestly 11 subjects were often seen as providing important foundational knowledge, electives were usually cited as subjects that had most helped prepare respondents for work in community legal centres. Others, however, reported that compulsory subjects were often too restrictive, too *black letter law*, and too focused on the work of private law firms and commercial legal work compared to community lawyering.

Hence respondents called for a greater breadth in legal subjects – covering more areas of law relevant to community legal centre work and the common, everyday legal problems faced by their clients and community. In particular, respondents cited several examples of specialised areas of law that tend to affect marginalised poorer people seeking assistance from community legal centres, such as social security law.

Even amongst respondents who thought their law studies had been useful preparation for community legal centre work, there was a view that law school was more focused on private than community legal practice.

Inspiring an interest in social justice

University education was seen as an important conduit in sparking an interest in community law. Respondents stated that there were aspects of their law degree that inspired them to work in social justice and community legal centres, often citing particular experiences like exposure to specific lecturers, subject electives, placements and internships. People who had this kind of exposure felt their legal education had prepared them well for community legal centre work.

Conversely, those who said their legal education did not prepare them believed universities needed to cover more and provide more awareness of community lawyering in their courses – not just law subjects, but other relevant experiences. They wished they had learned more about social justice, social disadvantage, community legal needs and barriers to accessing justice. It has been argued that legal degrees could benefit from exposure to social work type subjects, with several respondents explaining that community legal centres work had adopted more holistic and integrated service models to deal more effectively with the legal and related problems of clients.⁸³

Needing practical lawyering skills

Knowledge of the law is one thing, applying the law to everyday legal problems for people is another skill altogether. When you add to this picture the reality of social disadvantage, multiple and complex legal, and other related issues experienced by community legal centre clients, the need for advanced practical legal skills is arguably even greater. The legal skills taught at university that were valued by people working in the community legal sector included legal research, interpretation, and analytical skills, in both the substantive and procedural aspects of law. However, others felt that their legal education focused too much on theory and not enough on practical day-to-day-skills.

A substantial downfall in university education reported by respondents was that many did not feel prepared for working with clients, communicating with or knowing how to navigate their clients' multiple and complex needs. In some cases this extended to the psycho-social-economic needs of clients. For some clients, the legal problem might be straightforward, but their circumstances are complex and require specific legal practice skill.

But are practical skills and client relationship skills the province of university education? Many respondents believed it was, and should be, and that the mechanism they cited was clinical placements and experiential legal education.

⁸³ Warner (2016) argued that double degree options in Australian law schools do not provide options for those interested in social justice “Those who are interested in the operation of the law for everyday people, will often undertake a conjoint law and arts degree. While this combination provides invaluable critical thinking skills, it does not provide all the practical skills for effective social justice lawyering.” See <https://newlawyerlanguage.com/2016/07/27/superheroes-lawyers-and-social-workers-but-where-are-our-universities/>.

Working with real people with real problems

It was clear from the responses that classroom-based learning could only achieve so much, and the reality of people facing real problems gave the practice of law a different hue. Work experience, volunteering, internships and clinical placements in community legal centres were seen as critical aspects of legal training. Exposure to community legal centres was seen as having the potential to ignite interest and passion in community lawyering as a career or as a volunteer, particularly amongst those disinterested, dismayed, or despondent with private legal practice.

For those who felt their legal education had prepared them, such experiences were widely regarded as a critical component. However for those who felt unprepared clinical placements were often cited as something that should be widely promoted if not made mandatory.

4.2 Where to from here?

It is evident that there were mixed views on the capacity of university-based legal education to prepare people for work in community legal centres. Indeed, based on these findings, it could be argued that the best preparation for working in a community legal centre is working in a community legal centre.

For many, the preparation in law school for community legal centre work appeared to happen more by chance than by design, and many were concerned that law schools could do more to overtly support community lawyering.

The findings make clear that with respect to preparation for community lawyering, pivotal opportunities and experiences can make a significant difference: the subjects, placements and inspirations which spark understanding and interest in community access to justice and the difference community legal work can make. For some, this was the very aspect that was beneficial, but was lacking in the experience of others. The challenge is striking an appropriate balance in raising awareness of different areas of legal practice, and diversity of client groups and legal issues therein.

Given law schools are required to teach the Priestly 11, how can they better incorporate more community or social law and social justice in their programs? And where social justice type subjects do exist, is enough being done to promote their value? Our research strongly indicates that such subjects, and their lecturers, are pivotal in piquing the interest of students in social justice issues.

Once a student has completed their law degree, Practical Legal Training (PLT) programs are designed to provide prospective lawyers with applied legal skills. While we did not specifically enquire about the effectiveness of these programs, it was noted that they were largely focused on working in private firms and not community law work. There are currently limited opportunities within community legal centres for new graduates to gain their PLT. Is there also scope within the PLT programs to include social justice issues and community lawyering? Is there scope for graduate programs to be expanded across the community legal sector? Should community lawyering be recognised and accredited as a specialist area of practice, and how can public legal assistance policy and funding help build sustainable and thriving community legal centres?

PLT programs provide an avenue for gaining workplace-based experience, but it was suggested that this type of training should not be left to the final years of training, and that exposure to an array of legal career destinations beyond private practice needed to come earlier. Placements could be included throughout legal education – much in the same way as other profession focused programs (e.g. medicine, allied health, social work, teaching). By offering diverse and shorter placements, a more expansive range of career options could be experienced – including community lawyering – thereby promoting the community legal sector explicitly rather than leaving it to chance. If placements are integral to legal education, how should they be funded and supported?

But given that universities and community legal centres receive government funding, what responsibility do they have to support each other and their communities in preparing the legal workforce and ensuring the sustainability of both sectors? It is therefore of concern that some community legal centres had withdrawn from taking law students on placement, while others were questioning their capacity to do so in the future. Taking law students on

placement is not without costs, irrespective of longer-term benefit for student experience, law school teaching, and community legal centre recruitment. Who can and should bear these costs?

Respondents spoke about being inspired by specific lecturers and subjects, and volunteering at community legal centres. Is there more that can be done to promote community legal centre work and the value of social justice lawyering rather than leaving it to chance? Does this need to start earlier in legal study? Is it left too late by focusing on the later years and post-graduate legal education?

Not all these issues can or should be solved by universities or other legal education providers. These questions, however, prompt consideration of the specialised work community legal centres do, and how it needs to be highlighted.

As the nature of legal practice and education continues to be transformed, it is timely for educators, regulators, and public policy makers to examine and reconsider the role of the community legal sector, the changing nature of community legal practice, and where responsibility lies to prepare for and support this area of practice in a climate of growing demand.



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Appendix A: Workforce and CEO Survey legal education questions

Appendix A reports the survey questions and response categories analysed in this report. The Workforce and CEO surveys are set out in full in the project *Technical report*.⁸⁴

In total, 420 Workforce Survey respondents reported having completed a degree in law (i.e. including Bachelor of Laws and Juris Doctor degrees). These respondents were asked the following questions:

B4Q3. Do you feel that your law degree in particular prepared you for work in CLCs?

1. Yes, entirely
2. Yes, mostly
3. No, not really
4. No, not at all

Depending on the answer provided, respondents were then asked follow-up questions: those who answered 'Yes, entirely' or 'Yes, mostly' to question B4Q3 were asked question B4Q3a; while question B4Q3b was asked where respondents answered 'Yes, mostly', 'No, not really' or 'No, not at all' to question B4Q3. Note that respondents who answered 'Yes, mostly' to B4Q3 were subsequently asked both B4Q3a and B4Q3b.

(If B4Q3 = 1 or 2)

B4Q3a. What in particular in your degree program prepared you for work in CLCs?

(If B4Q3 = 2, 3 or 4)

B4Q3b. What would need to change in your degree program to better prepare you for work in CLCs?

In the CEO Survey, analysis focused on written responses to the following two questions:

A4Q3. What are the benefits of having university student placements at your CLC?

A4Q4. What are the challenges of having university student placements at your CLC?

⁸⁴ Kutin et al. (2021a).

Appendix B: Statistical output

Table B1. Cross-classified logit model output, modelling perceived utility of law degrees for community legal centre (CLC) work on the basis of a range of variables (statistically significant terms in bold)

	Variable	Level	Estimate	Standard error
Fixed effects	Constant		-0.304	0.374
	Gender	Female	0.000	–
		Male	0.714	0.307
		Non-binary	0.272	0.976
		Missing	1.825	1.363
	Age	Less than 30	0.000	–
		30 to 39	-0.176	0.349
		40 to 49	-0.101	0.391
		50 to 59	0.820	0.509
		60 and above	0.951	0.532
	Months working in CLCs		-0.003	0.002
	Also studied arts/humanities	No	0.000	–
		Yes	0.000	0.258
	Geography of CLC work	Mostly metro	0.000	–
		Mostly RRR	0.311	0.320
	Type of CLC	Generalist	0.000	–
		Specialist	-0.085	0.276
		Unknown	-1.533	0.798
	Work in CLC	Lawyer	0.000	–
		Non-lawyer	0.473	0.292
Random effects	University-level variation		0.260	0.380
	CLC-level variation		0.009	0.310

