

December 2019

The following items turn the spotlight on developing, maintaining and enhancing lawyer competence in the face of rapid change and some implications for continuing legal education and professional development professionals.

Season's Greetings

With December upon us, we'd like to wish you a peaceful and relaxing break and all good wishes for your preparations for the end of the CPD year.

Thank you for your support and input throughout the year. We are continuing to work to implement new systems and structures to underpin our core work, which we see as providing a forum for the exchange of ideas and information.

Your CLEAA Executive



Vale Annette Black, ONZM

To those of us who knew her, Annette Black was a giant in the world of legal education. Sadly, she passed away on 6 November 2019 after a long illness.

Annette joined the New Zealand Law Society as its first director of legal education in 1983. She designed the first New Zealand national continuing legal education programme based on modern adult legal education principles, with courses across all legal topics and skills, one of the most comprehensive of any law society in the world. She also spearheaded the review of pre-admission training for law graduates that ultimately led to radical change to the provision of training in this area and the establishment in 1987 of the Institute of Professional Legal Studies. In 2015, she received the Insignia of an Officer of the New Zealand Order of Merit for services to legal education.

Condolences from CLEAA to Annette's family and colleagues.

2020 dates confirmed!

The CLEAA Annual Conference will be held on Thursday 15 and Friday 16 October, Law Institute of Victoria, Melbourne, Victoria



Be sure to set aside some time for your own professional development and save the date for the 2020 CLEAA Conference. Join us in beautiful Melbourne for two days of learning and networking. Our hosts will be the Law Institute of Victoria, centrally located at 140 William Street.

Thank you to those who attended the 2019 program and gave valuable feedback, we will take this into account when planning the 2020 program.

Keep any eye on the CLEAA website for further developments via our [LinkedIn group](#).

CLEAA Membership – Half yearly membership available

If you are considering joining for the first time, a six-month membership is available from 1 January to 30 June for only \$37.50.

[Available](#) from 1 January 2020. For further information, please contact the CLEAA Secretariat at secretariat@cleaa.asn.au

Snippets of wisdom

The Seven Important Habits of Leaders Who Know How to Listen

Great leaders must be effective communicators. The best leaders are skilled at listening, this article gives some insights as to how they do it:

<https://www.lollydaskal.com/leadership/7-important-habits-of-leaders-who-know-how-to-listen/>

The Importance of Empathy in Making Tough Decisions

This short blog from Pathways Australia looks at empathy in decision making:

<https://pathwaysaustralia.com.au/empathy-matters-youre-making-tough-decision/>

Are law graduates finishing university with the skills they need to succeed in modern practice?

A recent report raises concerns about the suitability of law students' skillsets in the current legal market. The report has been published by GlobalX and the Australasian Legal Practice Management Association (ALPMA), and reported in Lawyers Weekly, link below.

A key finding is that three out of four firms believe law graduates are not adequately equipped to succeed in the increasingly diverse world of legal practice.

This follows on from discussion in the [October CLEAA Talk](#) on skills: the survey by Momentum Intelligence as to firms most attractive to Australian legal professionals and the LexisNexis 2019 "The good solicitor's skill set" report.

<https://www.lawyersweekly.com.au/biglaw/26914-3-in-4-firms-think-law-schools-aren-t-properly-equipping-grads-for-success>

UK Update

As foreshadowed in the last edition of CLEAA Talk, the new rules issued by the Solicitors Regulation Authority are now in effect from 25 November 2019. According to the SRA website, "The reforms put more trust in professional judgment, getting rid of lots of outdated prescriptive rules and giving solicitors more flexibility about how they work. That means solicitors can work in new ways, outside a traditional law firm. This includes working on their own as a freelance solicitor, or as part of a non-regulated business, such as an HR firm, making it easier for people to use their services."

<https://www.sra.org.uk/sra/news/press/standards-and-regulations-is-launched/>

As part of the package, new SRA Education, Training and Assessment Provider Regulations are effective 25 November 2019.

These regulations set out the requirements governing organisations which are providing or intending to provide education and training, and the delivery of assessments to those seeking to be admitted as solicitors.

<https://www.sra.org.uk/solicitors/standards-regulations/education-training-assessment-provider-regulations/>

Hot on the heels of these new rules, The College of Legal Practice, a subsidiary of the College of Law Australia and New Zealand, announced that it will provide digitalised solicitor training courses for the new Solicitors Qualifying Examination. It will partner with US based Barbri. Full report from the Law Society Gazette (UK) here:

<https://www.lawgazette.co.uk/news/heavyweight-new-college-poised-to-shake-up-solicitor-training/5102306.article>

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When will this be done?

Anna Hinder, Searl Street Consulting, reflects on Professor Frank Wu's diversity presentation at the recent CLEAA Conference, 18 October 2019.

Like many CLEAA members I've suffered through my fair share of diversity inspired speakers in my time. I usually start to tune out at the first sign of blaming the minority (rather than looking at the system) or empty claims that can't be substantiated with evidence. Not so with the fabulous Professor Frank Wu's presentation on Day 2 of the conference. For everyone who wasn't able to attend or were not lucky enough to have a seat at the front, here are the highlights from my notes.

Persuading people it still exists.

Using the example of bigotry, Prof. Wu gave a clever illustration of the difference between saying something is wrong, and persuading people that the wrong thing still exists. Your garden variety bigot is someone who has strong, unreasonable beliefs and is intolerant towards those holding different views. How many times have we been in a room where an intolerant view was expressed and we did nothing? It takes a certain personality (that's low agreeableness to save you opening up the books) and to pick up Prof. Wu's point it also takes an acknowledgement that it still exists. His point is that there is still more work to do on the foundations of being inclusive.

A belief that someone working from home isn't really working (insert Partner name here), a belief that we have no gender pay gap (insert person who didn't check so they can't know here) a belief that all our learning programs are evidence based (don't start me on unconscious bias training). Prof. Wu's example of hiring, but not retaining women including his observation that it's easy to rationalise the low promotion to partner|principal at the individual level, but harder when you look at the pattern. I hope this persuades you that Prof. Wu's point is that the need to persuade people doesn't stop until every last bigot is

gone. I remain optimistic that they will be increasingly outnumbered.

When will we be done?

Prof. Wu made the interesting observation that there aren't many problems where talking about the problem makes it worse. The suggestion was made that asking when we are done on gender equity, bigotry removal or any other form of diversity and inclusion is a bit like asking "When will this democracy be done?" It was this part of his presentation that really made me consider the importance of tenacity in solving a really wicked problem – the ones that don't have easy answers, where there isn't precedent and there is disagreement on both the problem and solution. From here I started thinking about alternative questions that might be more useful that would also pass the "democracy test". Let me try a couple and see what you think:

- "What could democracy/ diversity look like in five, ten, fifteen years?"
- "Who do we want to be talking about democracy / diversity and what do we want them to be considering?"
- How can we prepare today for the needs of democracy/diversity in the future?

The real answer might be that we will never be done. Here is the really ingenious part of Prof. Wu's presentation. By getting us to realise it might never be done right at the end of his presentation, he cleverly persuades us that it will always exist and forms a mental version of the infinite loop in our heads. If your head hurts you are in good company. If you are looking for more thought-provoking thoughts by Professor Frank Wu, I'd highly recommend his 2015 paper Reforming Law Schools: A Manifesto. His thoughts on the supply-demand challenge of law graduates, the cost of higher education and the relevance of legal curriculum are all considered with the same clarity of thinking we saw in his presentation. Here is the link for anyone who is interested:

https://repository.uchastings.edu/cgi/viewcontent.cgi?article=2275&context=faculty_scholarship