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The continuing education needs of country-based solicitors

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The study reported here on the continuing education needs of country-based solicitors was intended to build on the foundations laid by earlier researchers and to be the first examination of the continuing education needs of such solicitors ever undertaken.

In earlier research into the attitudes of professionals to continuing professional education (CPE), four factors have stood out as occurring in virtually all results – professional improvement and development, professional service, collegial learning and interaction, and personal benefits and job security. Two other factors emerged once only in different studies – professional reflection and professional role clarification. Grotelueschen (1985), in analysing results from nine groups of professionals previously surveyed, came to the conclusion that five groups of reasons emerged to account for the participation of

professionals in continuing education: (1) professional improvement and development (which was the most important reason), (2) professional service, (3) collegial learning with peer interaction, (4) professional commitment and reflection, and (5) personal benefits such as job security (emerging as the least important).

Background

The study was undertaken during the years 2001–2002 in the Hunter Valley Region of New South Wales, and could be seen as a follow-up to the work of the two Australian researchers who, in the 1990s, had studied the continuing legal education needs of beginning solicitors (Nelson 1993) and the participation in continuing legal education by senior solicitors (Roper 1993). The subjects were 48 country-based solicitors attending legal professional development seminars conducted in Newcastle in November 2001.

Methodology

The methodology incorporated a series of research questions. The questionnaire was based on Grotelueschen's Participation Reasons Scale. Descriptive statistics, providing figures for percentages and means, was the first step in analysis and was followed by chi-square distributions across combinations of groups. A follow-up questionnaire was issued six months later, in May 2002, to gain further insight into specific areas of particular interest as indicated by the first questionnaire. Gender bias in the workplace was one of these.

Initial results

The Newcastle group fitted comfortably into the profile that has emerged from the literature examining the attitudes of professionals to continuing professional education, namely, professional improvement and development emerged as the most important motivation for undertaking continuing professional education.

Providing service to the public, either as clients or in general, was the second most important consideration for Newcastle solicitors in deciding to undertake CPE. For the Newcastle group, the element of collegial interaction emerged as the third most important motivating factor in their approach to CPE. As might have been expected, the element of collegiality proved attractive to the group, as indeed the chance to interact with peers has proven to be attractive to many professional groups. Better meeting clients' requirements ranked fourth. The mandatory element in CPE provisions was ranked fifth, a result that suggests that, for this group of solicitors, the requirement to attend was of greater importance than for some of the other experimental groups quoted in the literature. The group seemed to have little interest in using CPE as a means of reflection about the profession, and their motivation to undertake CPE apparently could not be attributed to a desire to use the knowledge primarily for personal benefit.

As far as learning style preference was concerned, the group opted for passive lecture-based learning, even favouring it over informal consultations with colleagues or self-study. Consultations possibly could have been expected to be more attractive to solicitors operating in an environment of small legal practices.

While female solicitors were confident with the level of their professional training, the questionnaire revealed that there was a degree of dissatisfaction in such matters as provision of assistance to undertake professional training. On most of the attributes tested, including concern with enhancing the quality of service which was revealed as significant in the Nelson (1993) study, there were no significant gender differences. However, with the Newcastle group, there were significant gender differences in the way CPE was seen a tool to improve standing in the firm or as a method of filling gaps in legal education.

The Newcastle study examined the perceived usefulness of audio-visual programs, the internet and the distributed lecture notes. Printed notes still recorded a higher mean than internet usage and indeed enjoyed one of the highest approval ratings of those aspects of learning examined here. Out of 47 responses, only one was recorded for the first option of “very little use”, 26 were recorded for the third (most popular) option of “moderately useful”, while there were six responses for the fifth option, “extremely useful”.

The study was also concerned with the question of how well entry to the profession through the Solicitors Admission Board (S.A.B.) prepares solicitors for their professional life. This division between S.A.B. trained solicitors and those tertiary trained became important when it was revealed that 22 out of 47 respondents had entered the profession through S.A.B. study. The results revealed that S.A.B. trained solicitors relied significantly on CPE as a method of personal reinforcement to the values of the profession. Also, achieving statistical significance was their assessment of the importance of CLE in keeping them up-to-date in regular areas of professional practice.

The Newcastle respondents revealed that they were primarily concerned with practical considerations. While they were interested in the impact of future government legislation, they displayed no concern for the need to increase their skills in peripheral areas outside the field of law. The Newcastle solicitors listed the following as principal deterrents to their participation in CPE: unavailability of specialist courses, inability to escape from practice demands and classes held at inconvenient times.

To obtain a clearer idea of what the solicitors themselves felt were areas of educational need, they were asked in the questionnaire to list up to six specific topics for future courses which the individual would attend if offered in the Newcastle area. The results were treated separately from the overall statistical evaluation. It was requested that solicitors should nominate topics relevant to their own personal

needs and that generic titles such as Civil Litigation should be avoided in favor of more precise definitions. A high level of detail was encouraged by suggesting prospective courses be graded as basic (B), intermediate (I), advanced (A), new developments (N) or refresher (R). If they wished, respondents could grade at more than one level for any particular topic, and a number did so. Interestingly, only seven requests were made for basic level courses.

If levels of difficulty are taken into account as well as topic subjects, a total of 133 course suggestions were made in 38 topic areas. A high degree of specialisation was apparent, with particular courses being of interest to a very small part of the cohort. The most popular topic was GST and Property Law (20 nominations across the five areas of difficulty) and the second, Estate Planning (13 nominations). Contracts received eight nominations, along with Mortgages (banking and finance). The Family Provision Act received seven nominations. Six nominations each were received by the following topics: Commercial Litigation, Property Development (GST), Retail Leases and Capital Gains Tax.

In keeping with their approach to continuing professional education which placed primary emphasis on upgrading professional skills, it is noteworthy that management skills did not feature prominently in the solicitors' list of desired future courses. Out of the total of 133 requests, only Small Business (one request), Office Administration (two requests) and Dealing with Difficult Clients (one request) could be seen to have relevance to the area of management.

Follow-up questionnaire

After the main questionnaire had been processed, a short follow-up questionnaire was sent to the cohort of participating solicitors to introduce a qualitative element to the quantitative analysis. Solicitors were asked for three responses:

- How effectively do you think S.A.B. training prepares solicitors for their professional life?
- To what extent does gender bias, subtle or otherwise, affect female solicitors?
- Please describe the use you have been able to make of the printed notes distributed in the lectures.

S.A.B. training

Out of 28 replies, 13 were from S.A.B. trained solicitors. From this S.A.B. group, ten positive responses were recorded to the question related to S.A.B. training, with respondents stressing that the training needed to be supplemented by on-the job experience in a legal firm.

One commented:

I think solicitors who have obtained qualifications through the S.A.B. are much better solicitors when they first qualify compared to those solicitors who have obtained a university law degree. I'm sure this is because of the practical experience solicitors who went through the S.A.B. gain while working. Whilst qualified, newly graduated solicitors are not worth as much to an employer because they have to be taught all the basic office practices and procedures as well as the practical side of doing law. There can be no proper substitute for on-the-job, real life, real problems, real people training which S.A.B. students get and university graduates don't (or at least not as much as S.A.B. students). After 5–10 years, the skill level starts to even-up between the two types of qualified lawyers.

One of the S.A.B. trained solicitors did not record an answer while there were two responses which contained negative comments but which nevertheless endorsed the practical element to be found in S.A.B. training.

From the 15 responses received from non-S.A.B trained solicitors, nine respondents did not express an opinion on the effectiveness of S.A.B. training in preparing solicitors for professional life. Five responses were positive. Surprisingly, only one negative response was

recorded from the university trained group to the question concerned with the effectiveness of S.A.B. training ("very badly".) From the total of 28 answers received, only four contained negative comment, the most critical being the description of the training as mediocre. Clearly the S.A.B. route to professional competence receives wide support from these solicitors.

Gender bias

The follow-up questionnaire was answered by eleven female and seventeen male solicitors. Their answers to the question asking them to comment on the extent to which gender bias, subtle or otherwise, affects female solicitors were quite revealing. Among the female respondents, there was one "not known" and two responses in the negative.

The other female solicitors were aware of the existence of gender bias.

One wrote:

The legal profession is still a male dominated profession despite there now being roughly equal numbers of female and male graduates. Male partners appear to have a preference for male solicitors in terms of career advancement. The male dominance of the profession can also make it difficult for females to speak up for themselves, as it can be intimidating for quietly spoken females.

Another commented:

The boys' network keeps work flowing to the boys. They go to any lengths to divert work from female solicitors. They use derogatory language and generally put us down ... I have had clients ask why I was involved in a project. I doubt a male solicitor would ever be asked this question. Male clients do not expect you to understand anything mechanical or technical.

Eight of the 17 male solicitors either did not feel bias existed or expressed no opinion. One wrote, "I think female solicitors are slowly being accepted by 'Jo Public' more readily, except for 'old school' clients who are still living in the past". Another's view was, "I don't

think gender bias is a factor. If they're good enough and possess all the right skills, gender doesn't matter." The single comment, "I would love to tell you", can probably be recorded as confirmatory!

Another eight agreed that it does exist although gender bias is less of a problem now than used to be the case.

Previous researchers found some differences between male and female solicitors. Nelson discovered that woman solicitors were more likely than male solicitors to undertake continuing legal education for reasons of immediate professional improvement (Nelson 1993: 178). In choosing particular courses, beginning female solicitors were more likely than their male counterparts to bear in mind the enhancement of service to their clients and to the public (Nelson 1993: 146). It is clear that female solicitors take a slightly different approach to some aspects of education than their male colleagues do. However, devising educational programs to cater specifically for female solicitors is another matter. Analysis of the initial questionnaire does suggest female solicitors feel aspects of the workplace environment discriminate against them. Asked if the failure of employers to give time away from the office or pay course fees was a deterrent to undertaking courses, 28 out of 31 male solicitors recorded "never", while of the 13 female solicitors, eight recorded "never", three "rarely" and two "sometimes". The resultant chi-square was very close to significance at the 0.05 level. Nelson also discovered that significantly more female solicitors than male solicitors felt that their employer hindered their involvement in continuing legal education (Nelson 1993: 179). Clearly, courses on what could be called 'empowerment' would not sit comfortably with the professional course structure currently in place, but some collegial support could be given to female solicitors if a tutorial/seminar workshop structure existed in which a prominent female solicitor were to give a paper followed by discussion on the problems faced by female solicitors.

Use of printed notes

The solicitors who were the subjects of this study attended professional development seminars which were in the traditional 'lecture-plus-notes' format. The desirability of supplying quite comprehensive sets of notes to accompany the lectures was the third matter investigated in the follow-up questionnaire when participants were asked what use they had been able to make of the supplied notes. Some solicitors indicated that they made continuous use of the notes, while others made less use of them but still appreciated their value. It is worth pointing out that 26 out of 28 respondents to the follow-up questionnaire wrote approvingly of the long-term value of the notes distributed at the Newcastle seminars. Some of the responses were most supportive:

They are of great benefit – (a) re-reading them in the weeks following the seminar, (b) presenting a summary of them to our other lawyers in our in-house training and education sessions, (c) keeping them in our library for future reference and to amend our precedents so as to adopt the lecturer's wording of some (e.g. special conditions to go in the contract for sale of land).

Invariably when an issue arises, I read the notes first before reaching for other reference sources.

This was the first study of its kind on the attitudes of country-based solicitors to continuing professional education using the approach of the Participation Reasons Scale. This instrument of inquiry was adapted along the lines of the Nelson and Roper studies of Australian solicitors so that the results of all three studies could be compared.

Conclusion

With reference to the reasons for participation in continuing professional education, the three groups in question (Nelson, Roper, Newcastle) were shown to have much in common. Nevertheless, it

will be possible to make some refinements to the current patterns of delivery to improve effectiveness by, for example, introducing new topics or providing evening tutorials led by local specialists. Significantly, the research revealed that female solicitors in the Hunter area and the solicitors who had entered the profession through the Solicitors Admission Board had special needs that merited consideration when future programs are being planned.

What emerged from this study was information which reinforced existing findings about attitudes towards learning adopted by other professional groups. In addition, the study provided significant data which could be used in future design of professional further education programs. The findings from this study of country-based solicitors were significant and provide a practical needs-based structure for a more efficient, useful and relevant future educational provision for such country-based solicitors.

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