

# Your place or mine? Evaluating the perspectives of the Practical Legal Training work experience placement through the eyes of the supervisors and the students<sup>1</sup>

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## BACKGROUND

In order to qualify as a lawyer in Australia, each law graduate must complete a recognised practical qualification.<sup>2</sup> In 2002, the Australasian Professional Legal Education Council (APLEC) published a recommended set of competency standards which all entry level lawyers should meet in order to be eligible to be admitted as a legal practitioner.<sup>3</sup> Upon completion of a recognised and accredited course of Practical Legal Training, potential lawyers must apply to the Supreme Court of the state in which they wish to practise for admission as a legal practitioner. The admission application process is rigorous. Not only does an applicant have to demonstrate completion of all of the academic and practical requirements, but an applicant must also certify to being a 'fit and proper person' to be admitted as a legal practitioner.

In Australia, each state and territory has different admission requirements but this is slowly changing as the country attempts to adopt a national profession. This is still not a reality, but we are getting closer. A major step in the creation of a national profession is the fact that each admitting authority has now adopted the APLEC competency standards.

The APLEC National Competencies prescribe a program of academic study incorporating at least 90 hours of workplace training<sup>4</sup> as a minimum for all students who complete PLT at Graduate Diploma level or equivalent.<sup>5</sup> So wherever a student completes Practical Legal Training, there is a work experience Placement involved.

The work experience Placement is an integral component of any Practical Legal Training (PLT) program. At Flinders University, our Placement requirement is 225 hours in a legal office. This

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<sup>1</sup> This paper has been compiled for the National Association of Field Experience Administrators Annual Conference to be held at Flinders University and Tabor Adelaide on 16 and 17 November, 2006.

<sup>2</sup> Some jurisdictions enable applicants for admission to have completed Articles of Clerkship with a principal solicitor, but the majority of states and territories require a PLT qualification.

<sup>3</sup> Students at Flinders University complete a Bachelor of Laws and Legal Practice in which the PLT component is at Graduate Diploma level but is taught within the undergraduate degree.

<sup>4</sup> Australasian Professional Legal Education Council and the Law Admissions Consultative Committee, *Competency Standards for Entry Level Lawyers*, November 2000, updated February 2002.

<sup>5</sup> The Practical Legal Training (PLT) programme at Flinders University Law School is integrated within a Bachelor of Laws and Legal Practice (LLB/LP) and allows our graduates to become formally admitted as members of the legal profession without undertaking any further training. The PLT component of the course is at post-graduate level (equivalent to a Graduate Diploma in Legal Practice) but it is part of the LLB/LP. In other words, there is no separate qualification awarded for the PLT course as the course is intimately integrated within the substantive law course. The Flinders LLB/LP is more than just an LLB. It is the equivalent of an LLB plus a GDLP. For this reason, we are unable to offer our PLT course to law graduates from other universities. The PLT course is only available to students who complete the entire LLB/LP at Flinders.

may be completed full time or part-time (see below) and is usually unremunerated. Placement supervisors must have been admitted as legal practitioners for a minimum of five years.

### Timing of the Placement

At Flinders, students complete their work experience Placement within the last twelve months of their studies within a topic called *Legal Practice Management*. They are required to attend a full week (9 a.m. to 5 p.m.) of classes covering practice management, time management, trust accounting and Placement preparation. Students may commence their Placement any time after that first week of preparation, which is held in early February, before the start of the official academic year.

There are three possible ways of organising a Placement:

1. Students may find their own Placement and complete it at a time convenient to the student and the supervisor; or
2. Students may complete a Placement within their existing employment, if they are employed in a legal office and their supervisor has been an admitted practitioner for five years or more; or
3. Students may apply to have an allocated Placement during one of three specific Placement blocks during the year.

Students finding their own Placement may negotiate to do the Placement on a part time basis, if that is acceptable by the supervisor. There is a minimum requirement of sixteen hours per week. Students who have an allocated Placement are generally expected to complete the Placement on a full time basis. Many law firms and other legal offices (eg the Director of Public Prosecutions, Crown Solicitor's Office) prefer to have students on Placement on a full time basis. This creates several difficulties for many students.

- Many mature age students have children and find attending a Placement full time extremely difficult. Many cannot afford to pay for child care during this time.
- Many students are not financially independent and have to work to survive, pay their rent/mortgage and put food on the table for themselves and their families. One student put it this way:

*Understand that this Placement does not pay. Therefore most students, particularly those living independently, cannot afford to take 6 weeks off work. I worked 7 days a week for 6 weeks or so and was exhausted; I didn't think I got as much out of my Placement as I could have because of this. [We] should have [been] given an option to only work 3 days per week for 3 months.*

The difficulties experienced by students wanting to do their Placements part time reflect the overall conservatism of the legal profession which has been very slow to accept the notion of part time work. The literature on this topic would fill another entire paper but it is important to mention in the context of the student perspective of the practicum. One student observed:

*Whilst I can understand the rationale around the decision not to help those of us seeking part-time placements, I do feel that since we are 'upholders of the law' the legal profession should be more mindful of discriminatory practices.*

### The Purpose of the Placement

Many students are keen to secure a Placement in a legal office where they would ultimately like to work. At first blush, this approach is understandable in an increasingly competitive market place. Many PLT students have very fixed ideas about the type of work they would like to do and the area of law in which they would like to practice. These students will seek a Placement which matches their ideas about their future.

It is of concern that this component of the educational journey is sometimes seen as little more than a six-week job interview, with an emphasis on potential permanent future employment overshadowing the learning of important practical legal skills.

Students who secure a Placement in a firm where they would ultimately like to work do have the advantage of being able to display their skills and talents over an extended period of time. Many are offered full time employment as a direct consequence of their Placement. On the other hand, students who do not secure a Placement in their “dream firm” may be disappointed, and lacking in enthusiasm to complete a Placement in an organisation which is not where they see themselves in the future. By imbuing the Placement with a negative overtone, these students are denying themselves the primary purpose of the Placement: an opportunity to experience life as a lawyer.

Whilst PLT providers are indebted to the legal profession for providing Placements for our students, we need to be pro-active in educating the current profession about the needs of tomorrow’s profession. Good lawyers are not necessarily good teachers. The notion that students “had better see what it is like in the real world” is short-sighted and unrealistic in its naiveté. This paper analyses the real gaps between the expectations of students on Placement and the supervisors who host them.

Best educational practice involves both summative assessment and formative assessment. Summative assessment can be likened to a gate-keeping exercise; the student passes or fails in a particular exercise or competency. Formative assessment assists deep learning. In the legal context it would involve reflective practice and learning by doing tasks, asking questions and observing senior practitioners with expertise. The Placement program is designed primarily as formative assessment. The summative assessment is carried out by the PLT providers.

There are many differences between learning in a classroom and learning in a work experience environment. Students have to transform their learning. The **objects** of learning (the laws, the rules, the theory) become the **means** of the workplace. Suddenly, a wide range of knowledge has to be processed and integrated. The student changes roles from observer to actor. Some commentators call this a change from “cold learning” to “hot learning”.<sup>6</sup>

There has been much research conducted indicating that assessment drives learning<sup>7</sup> and that assessment is the most significant influence on the quality of student learning. In the context of the Placement, the ‘assessment’ involves feedback from the supervisor. A student who produces work that disappears onto a partner’s desk and is never mentioned again will learn little from the experience. A student who produces work and then receives some feedback about it will learn a lot. The feedback does not have to be extensive. It might just involve a quick email saying *That research you did was very useful* or a note on the bottom of some settled pleadings or a re-drafted letter saying *Good effort. Have a look at the changes I have made*. It need not involve vast amounts of time, but makes a world of difference to students who are uncertain about the quality of their work.

The purpose of the Placement is to provide a student with the opportunity to observe at first hand how a lawyer works. It is supposed to be about learning the ropes in an unthreatening environment. Students should feel comfortable to ask questions, observe practice and procedures from an experienced practitioner and to learn from any mistakes they might make. Is this what actually happens? Is the focus on providing a sound educational environment for the student, or does the student have to ‘sink or swim’ in shark-infested waters?

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<sup>6</sup> See Lesley Cooper, Janice Orrell and Margaret Bowden, *Workplace-learning management manual: A Guide for Establishing and Managing University Work-integrated Learning Courses, Practica, Field Education and Clinical Education; Flinders University Staff Development and Training Unit*, 2003.

<sup>7</sup> See for example, Val Wass, Cees Van der Vleuten, John Schatzer and Roger Jones, *The Lancet*, 24 March 2001; 357, 9260; Health Module p. 945; and also Val Wass, *British Journal of General Practice*, June 2005, p. 420 – 422.

## Tasks to be Completed whilst on Placement

Whilst on Placement, students must complete a 'Handbook' where they record their hours worked and also make notes about the completion of the various tasks they are required to accomplish. Being on Placement encompasses more than just being in a legal office for 225 hours. Students are expected to participate in a range of tasks, including:

- Research
- Observing interviews
- Observing the provision of advice to clients
- Observing court hearings
- Observing a negotiation
- Discussing practice management
- Analysing risk management practices
- Drafting various documents
- Attendance at court registries and public records offices

Wide choices of tasks are given to students to cover the range of practice areas in which students might find themselves working. For example, not all students will be placed in a firm where there is a lot of court work; some students may complete their Placement in a Criminal Law Firm where there is very little Civil Law practice to observe. Students may choose from a range of tasks in order to complete the requirements.

In September 2006 I hosted a focus group of students who had completed their Placement in 2006. As a consequence of the discussions within that focus group, I have planned some changes for the Placement Handbook for 2007, as follows:

- Changing the name of the 'Handbook' to a 'Placement Journal'
- Inclusion of a reflective element to the Journal<sup>8</sup>
- Inclusion of more choices in the compulsory tasks
- Clarification of some elements of the Journal

### THE STUDENT PERSPECTIVE

Student feedback about Placements is, in the main, extremely positive. Comments like: *This was the best part of the whole PLT program* are common. Students get very excited about working in a real legal team, in a real office with real clients. The challenges and pressures of legal practice are usually met with nervous excitement. Written feedback suggests that for many students, the Placement reinforces their decision to become a lawyer and most can't wait to be admitted and get started. The transition from student to lawyer is a rite of passage for many, and the sense of achievement in completing the Placement is often verbalized in the unsolicited letters and emails I frequently receive. Quite clearly, students relish the opportunities that the Placement provides and are very grateful to their host supervisors for sharing their time and expertise.

Time and expertise are the two major qualities which Placement students want most from their supervisors. A common thread woven through the feedback I receive is the fact that students acknowledge how busy their supervisors are. Students are grateful for the most minimal time that supervisors might share with them. There seems to be an inherent acceptance that "my supervisor

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<sup>8</sup> This will be based on a practice I have already adopted in my Clinical Legal Education classes which are based on a pro bono legal advice clinic based at the Adelaide Magistrates' Court. See Spencer, R., *The Adelaide Magistrates Court Legal Advice Clinic – An intimate look into how it was set up and how it operates*, (2002) Newcastle Law Review Volume 6 No 2.

is busy and mustn't be disturbed", but "if she/he does spend some time with me, I must be forever and undyingly grateful". Some firms take on Placement students without recognising the responsibility that this really entails, often leaving students to their own devices. It is not unknown for partners in private law firms to treat Placement students very badly, having done very little to prepare for the student's time at the firm. Many regard the visiting student as a source of free labour rather than engaging in an educator/student relationship.

Many students anguish over their Placement, knowing that it might be the doorway to a full time position. One student says:

*To many students, the legal Placement is approached with trepidation ...with a general expectation of being the 'go-fer' for six or more weeks and having to somehow keep their head above water at the same time. This is not how the Placement should be viewed – it should be an instructive, engaging experience as students decide what direction they want their legal career to take.<sup>9</sup>*

The most common complaint I receive from students about their Placement is that they have received little or no feedback from their supervisor, and operate on the basis that "no news is good news". In other words, if there is no feedback, the student may assume that their work is satisfactory. If something is wrong, they presume that they will hear about it.

Many students receive no feedback at all until the end of their Placement when the supervisor signs their Record of Attendance<sup>10</sup> and perhaps makes a comment. It is most unfair for students to have to wait until they have finished their time with their host firm before they receive any acknowledgement about their performance. It is doubly disappointing for those students whose supervisors who do not even deign to write a comment at all.

It is certainly no news that lawyers are busy people. It is equally unsurprising to read feedback from students that partners in law firms (usually designated as Placement supervisors) are extremely busy racking up billable hours. One of the human costs of case flow management for litigation lawyers (solicitors in particular) is the enormous pressure placed on them to complete work in accordance with court-ordered deadlines. Many lawyers will not emerge from their offices for hours at a time. For the work-experience student, this leaves little opportunity for interaction.

Therein lies the rub. The Placement student feels, "How am I supposed to learn anything? I hardly saw my supervisor, and she was never available to discuss anything. I gave her my work but I never knew what she did with it, if what I did was OK, or if it was any good." The supervisor will say, "I am so busy. I have so much work to do; I have a budget to meet, and incredible pressure from particular clients. I don't have time to sit down with students."

Of course, this is not always the case. There are many supervisors who go out of their way to accommodate students, involving them in their work, meeting clients, and offering valuable feedback on the work conducted by the student.

One student noted of the supervisor:

*He often had a chat with me about how I was going, what needed to be done etc.*

Another student said:

*Supervision provided by the firm was very good. He supervised any work I did, explained where I was going wrong and also complimented me when I had done a good job.*

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<sup>9</sup> 2006 Placement student

<sup>10</sup> Students at Flinders University keep a Placement Handbook which they submit at the end of the Placement after recording the work they have done. Students must complete 225 hours in their Placement office and within that time must complete a number of specified tasks.

Many students in larger offices work with more than one supervisor, as this student explains:

*I rotated among all partners and associates for work and received supervision and guidance from each of them rather than one single person.*

One student has described the need to learn by osmosis” because his supervisor never took the time to discuss tasks with him or explain what was happening on a file.

### THE SUPERVISOR’S PERSPECTIVE

Senior practitioners who supervise Placement students are aware that the student is there to learn. But what exactly is the student going to learn, and how? Supervisors with the best intentions might observe after six weeks that the time has just flown and they are very sorry that they didn’t spend more time with the student. This is indicative of the quandary in which many lawyers find themselves. As members of a profession, all lawyers have a duty to assist new practitioners. They are ethically bound to assist in the education of the new generation. Just opening their doors and allowing a student to sit at one of their desks for six weeks is not enough. Supervisors must take an active role in ensuring that the Placement student is learning through the experience.

One attitude which the observer might take to this discussion is that the student needs to learn that this is what practice is actually like and in reality there is no time for discussion. The work needs to be done, the calls must be returned and the bills must be sent out. Indeed, when I first started in my position as Director of Practical Legal Training at Flinders University, having come from a commercial legal background, I was keen for students to understand that working in legal practice is a pressurised situation. My philosophy behind my teaching was to instil in students the importance of coping with working under pressure, dealing with difficult people and meeting tight deadlines.

Now, eight years on, I acknowledge that these factors are critical, but I also believe that there are aspects of the legal profession that should be changed, and that the best change can come not only from within, but from the ground up – from the new generations. Organisational change does not have to happen from the top. PLT students have the power to create change – an important factor to note given that they are the supervisors of the future. Their educational background has usually been vastly different from that experienced by their supervisors. Taking the time to listen to them and answer their questions may yield surprising results. Students must be encouraged to articulate their needs: feedback, reassurance and acknowledgement where it is due.

Students should note that the supervisor is often acutely aware of what the student is doing and is actually watching, even when the student thinks the supervisor is too busy to notice. Many supervisors expect Placement students to be reasonably autonomous and expect that they will ask questions only if they need to. On the other hand, as pointed out by one student, supervisors *just need to be aware that it can be quite stressful going into a new work environment especially for only six weeks so[they need] to be very clear in communicating with students.*<sup>11</sup> Also, Placement students may need to constantly ask questions, especially in relation to procedural or administrative matters, so there should always be someone available to answer those questions which may involve trivial administrative details but can hold up a whole job if the student doesn’t know the answer.

### AN IMPORTANT SEGUE INTO LEGAL PRACTICE

There is no doubt that the work experience Placement is an important segue into legal practice from what might be described as the cushioned environment of the student. Many students would not see their student experience as cushioned. After all, they have had to do a lot of hard work to get this far. But students who have come to expect constructive criticism and feedback on their

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<sup>11</sup> Survey response, 2001

work are often perplexed and confused by the apparent lack of feedback provided by supervisors who are generally untrained in this important aspect of any educational experience.

Some senior lawyers are born teachers who share their expertise with a generosity of spirit which is usually reflected in the respect they earn from their peers. The student who is placed with such a supervisor is indeed fortunate. I am always thrilled to hear from students who have loved their Placement experience, particularly because of the time they spent with their supervisor who talked to them, helped them, advised them, and offered constructive feedback on their work. I hasten to add that such an experience is the majority experience.

In a survey conducted in 2001, students were asked to comment on whether their supervisor provided adequate supervision. Many students were very satisfied with the supervision received:

*Yes. I was given numerous opportunities to work with any of the solicitors in my section and they were mindful of the tasks required of me.*

*Yes. There was a weekly review each Friday.*

*Yes, took time to help me understand.*

On the other hand, the “sink or swim” experience is a common one for many PLT students embarking on their first foray into the legal profession. Whilst some thrive on this challenge, others are at best intimidated and at worst, put off joining the profession completely. For most students, it is not the actual work which they find the most challenging, but rather dealing with the different personalities in the office and approaching the supervisor to ask a question.

Some students did not feel that their supervision was adequate. For example:

*Did not provide any feedback, only gave me things to do.*

*In the last two weeks the supervisor had no time to discuss questions/matters/problems.*

*I think the supervisor ignoring a PLT student is very bad practice.*

*Minimal supervision/help. Greater explanation of what to / not to bill would have been helpful.*

*Yes, talked about cases, gave me exercises to do ‘for the experience’; didn’t however receive a lot of feedback from my supervisor but was told by the others that no news was good news. That said, I couldn’t have been perfect and so more feedback would have been good, but given time constraints, stress of being a partner I understand.*

One wonders what sort of a role model is presented in this latter case. Are we teaching our new lawyers that this is the way it always will be? When this student becomes a partner, will s/he treat Placement students this way? We should be encouraging change to this culture. “My supervisor was too busy to give me feedback” should not be acceptable.

A common response to this article by those in the legal profession to students dissatisfied with their Placement experience is that they are “biting the hand that feeds them.” I would urge those who react in this way to think again. South Australian students are not only unpaid for six weeks of work, but they are actually paying to be there. The Placement is a compulsory part of a topic for which in 2006, Flinders University students paid \$1,361 to be enrolled.<sup>12</sup> The topic consists of five days of tuition and placement preparation, a six week placement (forty-five days) and a one day seminar on Risk Management. This equates to a total of fifty-one days. This costs each student \$26.69 per day, or \$133 per week. The six week Placement costs just over \$800. Students have the right to enquire as to whether or not they are getting value for money.

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<sup>12</sup> Usually deferred and paid through the taxation system. Those who are able to pay up-front receive a 20% discount.

## BREAKING THE MOULD

The “I’m a partner; I’m far too busy to talk to you” attitude is demonstrated not by all supervisors, but by many of them. How do we break the mould and escape from this attitude? The argument that “this is my office and I’ll do things my way” is a strong one. It takes a brave student to counter it. A student who has no desire to be offered employment in the Placement office might feel comfortable in challenging a supervisor with reactionary ideas, but many students are eager to be offered employment anywhere, and so are open to exploitation because they do not want to offend their prospective future boss.

Students are acutely aware of Placements leading to employment. One student said that supervisors should *formalise the induction of students on Placement so that those who successfully complete Placement may be considered for employment, as induction would ensure that student/employee can be best utilized by employer/firm. Therefore Placement should not be considered as a temporary measure.* This may be relevant in a large commercial firm, but not in a community legal centre or sole practitioner’s office, but it demonstrates student awareness of their role in the bigger picture.

Knowing how to provide constructive criticism is not an innate quality. Supervisors need to learn this important skill. They also need to know how to give feedback in order to get the best out of their Placement student. They need to know how adults learn. Some instruction in the profile of the “average” law student would also be useful. Placement preparation, ideally, should include preparing the supervisor as well, but time and resources are the enemy. How many senior lawyers would give up an afternoon to come to a seminar on “How to get the most out of your Placement student?” or “Ten Tips for Managing the Student on Placement”. Probably not many.

But they should at the very least be provided with a written guide about making the student feel welcome, giving feedback, giving constructive criticism and spending short periods of time each day in discussion. Just popping one’s head around the student’s door to say “How is it going?” should be simple enough for anyone and would be a good start.

### What do Supervisors expect in a Placement student?

Supervisors in law firms are still predominantly entrenched in the misguided notion that law students are straight out of school (and therefore in their early twenties by the time they do a Placement), study full time and are supported in some way other than having to earn their own living. The reality is that many law students already work full time or part-time. Some have been working in legal offices for several years before they complete their Placement. Many have children to support; others have dependents like elderly parents or disabled siblings. Many are in their thirties, forties and fifties, and have already held senior positions in other jobs before a career change. Many are sole parents with school-aged or pre-school aged children who are living in poverty during their studies in the hope of providing a better life for themselves and their children. I have one student who is a sole parent with three children who studies and sleeps in the kitchen of their two bedroom house. The notion of the carefree full time student who existed in the sixties, seventies and eighties barely exists any more, yet some Placement supervisors seem to be blithely unaware of this.

In addition, the notion of becoming a lawyer is still overwhelmingly driven by the idea that this means working in private legal practice. This is a goal to which some PLT students aspire, but not all. Many are keen to pursue careers in government, in community legal practice or in international organizations such as Red Cross International, Amnesty International or the United Nations. They should be encouraged to “shop around” and gain experience in as many different legal office environments as possible, and not be ignored simply because their ultimate career aspirations do not encompass the Placement office.

I have been collecting feedback about Placements from students since 1999. It is my experience that the overwhelming majority of students relish their time on Placement and are full of

enthusiasm about it when they finish. A common reaction to the end of the Placement is that the student is very eager to actually start working. Most are full of praise for their supervisors; many enthuse that the Placement was the highlight of their studies to date. The most common sentiment expressed is extreme satisfaction with observing how all the theory that they have learned works in reality. For some students though, the Placement can be a stressful time for various reasons. Some do not enjoy it. Some discover that they do not wish to practice law, or that there are certain areas of law in which they do not wish to practice.

For those students who report a less than positive attitude about their Placement, the major reason for their lack of satisfaction is usually the same in each case. The most common complaint, from year to year, is lack of feedback from supervisors. Conversely, those students who had a very positive experience attribute good communication and feedback from the supervisor as a major reason for enjoying their Placement.

In the 2001 survey, students were asked: **Did you feel comfortable approaching your supervisor with any problems/issues/needs?** The answers were varied:

*Yes. My supervisor was very approachable and able to steer me in the right direction.*

*Approachable but very busy. I often felt as though I was imposing.*

*No. Never easy to organize meeting with my supervisor (talked to other practitioners instead).*

*Not enough feedback for what I have done.*

*I had several problems. They were not resolved. PLT students are really isolated. It is difficult to ask for help dealing with difficult people when you are an outsider.*

*No – I only received positive feedback on my performance and constructive criticism.*

*He wasn't intimidating, only busy. I tried not to bother him too much, although if I felt it necessary I had no problems in asking for clarification on matters. Easy to talk to and I gather is a good teacher.*

*I gather? One wonders what teaching methods might be used or indeed when?*

### **The Role of the Supervisor: Teacher or Overseer?**

The survey responses beg the question: What is the role of the supervisor? Is it acceptable that the supervisor is there only in case of emergency and to “sign off” at the end? Should it be essential that the supervisor really observes the student? It would be naïve indeed to suggest that supervisors should abandon their fee-earning time in favour of devoting many hours a day to a newcomer who is not yet generating any fees at all (or very few). Another very important consideration is the fact that proper supervision of a student is a costly exercise, as it takes the supervisor away from tasks that would be producing income.

I pose two questions:

1. If the competency standards insist that students be immersed in legal practice amongst practitioners who have no teaching qualifications and no educational training at all, are we in effect just perpetuating bad habits?
2. If the admission authorities insist on students completing a Placement as part of their training, have they asked the supervisors what they think about this?

We all know that great lawyers do not necessarily make great teachers. We have all sat through enough boring “guest lectures” from a baby boomer “senior practitioner” to be excruciatingly aware that some lawyers are at their best behind a desk. In order to properly train our future partners and senior members of the profession, shouldn't the teachers have some training in how to teach them? Generation X and Y graduates are not satisfied with the world the baby boomers

are offering to them. We read regularly how graduates are not prepared to work longer and longer hours, give up their weekend sport and have no social life in exchange for the promise of partnership in ten years time. They want quality of life now. Similarly, they want an acknowledgement of their presence now. Whereas their supervisors might have accepted being hidden away in a back room somewhere and speaking only when they were spoken to during the glory days of their Articles, today's new lawyers are having none of that. They have grown up on a diet of feedback and constructive criticism. They have learnt since pre-school to say "Stop it; I don't like it", to ask for help and to be demonstrative about their feelings. They are not about to stop questioning their world when they have been trained to do just that. They want attention. They want to be noticed. They work very hard – probably much harder than their supervisors ever did – but they want acknowledgement and recognition for it. Most of them probably did much better at school than their supervisors did. These are smart, articulate, ambitious, multi-skilled people and they want feedback! I support their demands.

### **Advice to supervisors**

The students themselves are best placed to provide advice to senior practitioners who supervise student Placements. Over the years, I have collected such advice as recommended by students. This is a sample of what some students have said:

*Be patient.*

*Have areas and priorities established in advance and have someone available to support the person on Placement on a day to day basis (admin staff if no solicitors available).*

*Spend some time with the students – give feedback. Be aware of feelings of inadequacy – it can be intimidating when doing some work on a matter and not knowing that it is useful.*

*Remember that the theoretical is vastly different to the practical – encourage students to try as many practical things as possible.*

*A good, thorough induction – no more than about 1 hour going through the firm's protocols and machinery would really help for orientation. Feedback wherever possible and fewer big tasks is better than lots of little things if you've already done the little thing before. Filling in time sheets is a good idea.*

*It would be beneficial to receive a copy of the firm's office policy/procedure manual on the first day, so as to ensure we don't feel unsure of ourselves regarding admin processes. Feedback should be given on work done, to ensure improvement.*

*Be approachable. Understand that we don't know much in relation to many tasks that we have to do so you have to provide adequate guidance and spend time with the student to teach them properly.*

*Remember that some students have conflicting responsibilities and work commitments.*

*Supervisors should be given information regarding the level of experience a particular student has in a law office. This would then presumably influence the types of tasks provided and the level of supervision required.*

*Utilise the students. Give them responsibility. Brag, boast and share knowledge with others. Students learn by example.*

*I recommend that the firm should make sure the practitioner is really willing to teach the student. If the practitioner takes the time to teach a student but is really ignoring the student, it is a disaster. The student will feel lost.*

*Supervisors should remember what it was like to be a junior and take just a little time to show you your mistakes and how things could be done better.*

*Don't try to ignore them as they have not much experience. They need help and understanding.*

*Involve students in your work as much as possible. Don't limit their contact with your work to the required tasks. Explain how you go about doing your job to them, so they can see where their tasks fit.*

*I think supervisors should not presume that we know how to do everything.*

*Have specific tasks set aside prior to Placement, so if you are busy and can't think of anything, there are tasks you can just give the student to complete. Also, continual reassurance makes the students feel as if they can ask questions and that we are doing the right thing. Remember to take them to as many court proceedings as possible and to interviews with clients or negotiations with opposing counsel.*

*Expose students to as much as possible and the supervisors should always remember it's about the students gaining experience.*

*Students need adequate feedback. Sit down with student for at least an hour a week to discuss any issues. My supervisor was very approachable and made time to sit down and speak with me. This was very positive for me.*

*Develop a formal structure for Placements. Ensure that students are doing the work required. Give the handbook to the supervisor, so that the supervisor can give the student the required tasks. The supervisor should be required to ensure that tasks are completed. Take a greater interest in the student, they are not there to serve you, they are there to learn from you!!!*

*Stress to supervisors the importance of the Placements and remind them that we are there to learn not to provide them with FREE labour!!!*

*More feedback and guidance.*

*It is a good idea to "buddy" the student with a recently 'out' solicitor as I found they are probably more in tune with where you are at. E.g. they know instinctively many of the questions you have and are very keen to put you at ease (that was my experience). They are close enough to the uni days to know what you don't know which is good.*

*Engage the students in real tasks i.e. use their work other than their research, like their draft letter, affidavit etc. It may mean more supervision but the students learn more and also find it more fulfilling. Expose students to the various precedents, court procedures, and allow them to be your "shadow" the few weeks they are there.*

*Give feedback. Make sure student feels comfortable approaching other employees.*

*Remember that we are new/juniors and some basic things to practicing solicitors just aren't known to us or can't be taught at uni. Conversely we are capable of being given responsibility and need a little testing. (Not juts photocopying like some students get!).*

*Perhaps to make sure they don't get bogged down with too much file work from different partners! This was one problem I experienced; that different people gave me different tasks to do for them, with no indication of their urgency and no apparent communication between them!*

From time to time, I have also surveyed supervisors in relation to their perspective of hosting a Placement student. One question I asked was: Did you feel that you had the time to provide adequate supervision/help? It is interesting to note that very few supervisors ever respond to these surveys! However, some of the answers have been:

*Yes. The help given balanced the time lost to supervision.*

*Yes, although in a busy legal office you can always do with more time.*

*Generally it was fine, but occasionally work pressures prevent spending as much time as would be ideal.*

*Yes, although it was difficult at times.*

*Yes. I expect other practitioners in the firm to assist in this regard, particularly if they are assigning specific tasks to the Placement student.*

### **Advice to future students**

Students have come to expect that the Placement may be challenging. Even though they might prefer more feedback sometimes, they are quick to develop coping strategies. In response to the question, What advice would you give to future PLT students about Placement? students often write comments like: 'Do not be shy to solicit work and ask for feedback'.

One student suggested that future Placement students:

*Enjoy and don't be afraid to launch into the unknown. You must be a bit of a go-getter and show initiative and interest and request work/more difficult things to do or you'll probably only get a lot of photocopying practice!*

And another:

*Take the initiative and ask to be part of what is going on.*

I have also asked supervisors what advice they would give to students:

*Make enquiries before committing to a particular firm.*

*Choose an office doing work which interests you. Not a great many practitioners would have wanted to come here. My student had a psychology degree as well and her interests dovetailed beautifully with my work (Office of the Public Advocate).*

*Use it as an opportunity to get good practical experience and treat it seriously, but have fun doing it. Most lawyers are human and have thawed out a lot compared with some of the pompous, stuffy individuals I encountered when I started out in '69 – '70.*

*Indicate your main interests at the outset.*

*Think, talk and act in a professional manner. The Placement is a great opportunity to impress a prospective employer.*

*Enjoy it!*

### **RECOMMENDATIONS FOR THE FUTURE**

As a consequence of collating data and listening to many students talk about their Placement experiences over the past seven years, I have reached two major conclusions:

1. Placement preparation for students is critical and must include guidance and training in how to ask for feedback.
2. Supervisors need Placement preparation as well as the students. Ideally this would be in the form of attending a seminar on giving feedback, managing student expectations, and being approachable and sharing their expertise. If attending such a seminar is impractical, at the very least a short brochure covering these issues should be made available.
3. It is important to conduct focus groups with Placement students each year and to solicit feedback from them in order to continually improve the Placement program.