



**Australasian Professional Legal Education
Council Conference 2015**

The Wild Wild West: New Frontiers in Legal Education

Address

by

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I am honoured to have been invited to express some words of welcome to the delegates attending the 2015 conference of the Australasian Professional Legal Education Council (APLEC).

Traditional Owners

Before going any further I would like to acknowledge the traditional owners of the lands on which we meet, the Whadjuk people who form part of the great Noongar clan of south-western Australia and pay my respects to their Elders past and present, and acknowledge their continuing stewardship of these lands. Visitors to Perth may not be aware that we meet on a place of particular significance to the Whadjuk people, as we are on a site which is very close to the original banks of the river which we know as the Swan River, but which is known to the Whadjuk as the Derbarl Yerrigan. Along with other bodies of water on the coastal plain between the scarp and the sea, the Derbarl Yerrigan has a particular significance in the cultural traditions and lore of the Whadjuk, as the home of the Wagyl, a serpentine creature of great significance in those traditions.

Welcome to Perth

I would like to especially welcome to Perth those delegates who have travelled a long distance to get here, which of course includes everybody not from Perth. I would, however, issue a very special welcome to our international delegates from across the Tasman and the Asia-Pacific region. The fact that this conference has broken

boundaries of geography and jurisdiction is particularly relevant to the theme of the conference which is "New Frontiers in Legal Education".

The Vital Importance of Professional Legal Education

Professional legal education, which is of course the central theme of your conference, is more important than it has ever been - at least in Australia, and I readily admit that I am not qualified to comment on the situation in other countries. But in Australia the significance of professional legal education has magnified as a consequence of the massive growth in the numbers of people graduating in law over the last few decades. That increase in the number of graduates has had the consequence that there are insufficient places within the legal profession to provide either on the job training or permanent positions for those graduates. Professional legal education has had to evolve in order to augment, and indeed substantially replace, more traditional systems of vocational training on the job, and to provide law graduates with the qualifications and experience necessary to gain admission to legal practice.

Professional Education is Different

The various bodies which have responded to the challenges created by the significant increase in demand for professional legal education have had to be creative and innovative. Although professional legal education is offered by tertiary institutions and professional bodies it is quite different in character to the academic legal training which forms the basis of the law degrees offered by tertiary institutions.

Practical Skills

Professional legal education must be essentially practical and provide students with the skills needed to successfully engage in legal practice.

Online Training

Because of the essentially practical nature of the skills that have to be imparted in the course of professional legal education, difficult issues arise as to the extent to which contemporary techniques of online training can be utilised to impart the requisite practical skills. Obviously more academic subjects are more amenable to being effectively taught in an online environment, and many participants in practical legal education have become quite accustomed to receiving their teaching through that medium. The need to strike the right balance between the efficient utilisation of modern technology and the various efficiencies it offers, and the need for face-to-face participatory learning is an ongoing challenge for professional legal education providers.

Skills Based

Professional legal education must also be skills based, rather than intellectually focused. This has an impact upon teaching methods, and upon the appropriate qualifications and skills of those providing the teaching.

Experiential Learning

Another factor which distinguishes professional legal education from conventional legal education is the desirability of experiential learning in the field of professional legal education. There is only so much that can be taught at an academic or intellectual level, and the skills required to successfully engage in legal practice are, in some areas at least, best imbued by experience in either a workplace environment, or a simulated workplace environment.

Change

Another factor which distinguishes professional legal education from conventional legal education is the rate of change. It often seems that the rate of change in legal practice is much faster than the rate of change in the substantive law (despite the best efforts of the various legislatures). It is essential for effective professional legal education providers to keep abreast of the rapidly changing face of legal practice.

Employment obligations

Another distinguishing feature of professional legal education is the common requirement for training to be provided in and around the employment obligations of those participating in the training programmes. This creates practical challenges at a number of levels.

The Public Interest

The capacity of the professional legal education providers represented at this conference to rise to and meet these challenges is vital to the maintenance of the public interest in the provision of appropriate and efficient legal services. Practical legal education is the last step customarily required before a prospective practitioner is given the authority to participate in legal practice - often on a restricted basis, but nevertheless engaging in practice. That is why the Council of Chief Justices has taken a particular interest in the maintenance of appropriate standards of a professional legal education in Australia in recent years.

Uniform Standards

In Australia, because a practising certificate issued by any jurisdiction authorises the recipient to practise in any other jurisdiction, the basic competencies required in the provision of professional legal education services anywhere in Australia sets the minimum standard of those services for all of Australia. That is why the uniformity of minimum standards is of the utmost importance.

A Competence Statement

In that context, the decision of the Law Council of Australia's Law Admissions Consultative Committee to accept a suggestion made by APLEC and by the Council of Australian Law Deans to develop a Competence Statement for Australian practitioners, based on the UK initiative, is a very welcome development. I do not under-estimate the

magnitude of the task involved in the development of such a Statement. However, when that task has been completed, the Statement will provide a reliable guide to the minimum standards required of those seeking entry into the legal profession, which will in turn enable policies and protocols to be developed which will ensure that the professional legal education services offered result in the achievement of those minimum standards and competencies.

Quality Reviews

In order to ensure the maintenance of those standards, regular reviews and audits of those engaged in the provision of professional legal education are highly desirable. What is not desirable, however, is for the organisations engaged in the delivery of education services in different jurisdictions to be subject to multiple reviews or audits in each of those jurisdictions. It seems to me that there is a lot to be said for the development of a national approach to the qualitative review of professional legal education service providers.

The Rule of Law

The rule of law depends to a significant extent upon the existence of a qualified, efficient and accessible legal profession. Professional legal education has a vital role to play in facilitating the provision of legal services at a standard which serves the requirements of the rule of law. The capacity of those attending this conference to assist in the achievement of these important objectives will no doubt be enhanced

by the impressive array of speakers who will be presenting upon an equally impressive range of topics over the next two days.

It only remains for me to again welcome all visitors to Perth and to express the confident wish that the considerable efforts of those responsible for the organisation of this conference will be rewarded by its successes over the next two days.