



INSTITUTE OF LEGAL EXECUTIVES®

Legal careers

There are many, and varied, careers available in the legal profession.

For example:

- Australian Legal Practitioner, working as a Solicitor or as a Barrister
- Court Registrar
- Legal Executive™
- Law Clerk
- Paralegal
- Legal Secretary to a Solicitor or a Barrister
- Deeds Clerk
- Legal Receptionist
- Mail Clerk.

Legal positions can be found in many places.

For example:

- Private law firms
- The legal departments of corporations
- Government organisations
- The Courts and Tribunals
- Community Legal Centres.

Each career will have its own requirements.

For example:

- In order to become an Australian Legal Practitioner, a person must complete an approved Law Degree, complete Practical Training, be admitted to the Supreme Court, obtain a Practising Certificate; and then further training is needed if the person wishes to practise on their own – the extent of this will depend upon whether the person intends to practise as a Solicitor or solely as a Barrister (see LIV link below).

- Law Clerks and/or Paralegals will be expected by most employers to have completed some formal post-secondary legal study, and have 'hands on' experience in the legal workplace.
- Legal Secretaries will generally be expected to have very good computer and literacy skills and, depending upon the employer, may need to have completed some formal post-secondary legal study.
- Those seeking employment in other roles, such as Deeds Clerk, Mail Clerk or Legal Receptionist, will generally be expected to have good computer and literacy skills, and organisational skills.
- The requirements may differ depending upon the nature of the employment, and employer requirements.
- Most positions will require good English skills, and some may also require numeracy skills.

Starting points in *non-legal practitioner* roles.

Everyone employed in the legal profession starts at a junior level, except graduates of Law Degree courses although they too must undergo training in the practicalities of Law. This is whether you complete formal post-secondary legal study before you gain employment, or undertake study on a part-time basis whilst employed, because you must learn to apply what you have learned to your everyday work.

Employers always look for a neat appearance and a good attitude – it is expected they will take into account that you are nervous at first, but will expect you to show a willingness to learn on an ongoing basis, and to be willing to undertake different tasks given to you.

Everyone is given basic tasks at first, but if you remember that each task has the potential to teach you a little more, you will have the right attitude.

Also remember that each task in itself is important. Posting the mail on time may not seem vital, but if you consider that a client may leave her/his Solicitor because s/he felt that the Solicitor was not attending to the client's matters promptly, or that an important Court document may not be received by another firm within the required time, posting the mail *does* become an important task. The same issue applies if you are instructed to forward the communication by email.

In the legal profession, particular emphasis is placed upon the ability to:

- follow instructions, and always ask for additional instructions if unsure
- work in a team environment
- maintain confidentiality of client information which, very simply put, means that anything you see, do, or hear in your workplace must not be referred to, discussed, or disclosed outside that workplace
- conduct yourself in an ethical manner, and
- when applying for employment, be very honest, including disclosing any serious offences so that the employer can seek approval from the Regulator to employ you if necessary.

Persons employed at basic entry level are usually asked to perform a wide range of tasks, which can include typing (literacy and legal terminology), bookkeeping (basic accounts procedures), filing (organisational skills), answering the telephone (communication with clients and others), making appointments and taking instructions (management and literacy skills), attending the Courts or Tribunals to file documents or completing e-filing (how Court procedures operate, and where documents go after typing), obtaining information from external providers such as Title or Personal Property Securities Register searches (what Solicitors, or Legal Executives and others supervised by Solicitors, look for when managing a file). Over time, your level of responsibility will usually increase as you gain further knowledge and skills.

Entry level positions also serve another important purpose – they teach you about the duties and skills underpinning more responsible positions.

General career entry points.

Commencing positions for your legal career can include Mail Clerk, Legal Receptionist, trainee Legal Secretary / Personal Assistant, or trainee Clerk. It does not matter where you start, because every job in the profession can teach you something – in our words, *Experientia Docet Sapientiam: Experience Teaches Wisdom*.

Law Clerks and Paralegals.

Generally, the work of a Law Clerk is quite similar in all States and Territories of Australia, and in some other countries such as New Zealand, the United Kingdom, Ireland, and Canada. In America, and elsewhere, Law Clerks are often referred to as 'Paralegals'. However, although the term 'Paralegal' is becoming more popular in Australia, a 'Paralegal' position will not always be what you expect it to be as, in America, Paralegals are formally trained and recognised, whereas here the role of a Paralegal can differ markedly in various jurisdictions, and even between firms. We are focusing here on what might be seen as 'traditional' career paths and the general role of a Law Clerk within Australia.

Often in the early years of training, working as a Law Clerk or, in some cases, as a Paralegal, entails providing skills in legal procedure as a support to Solicitors and other legal providers such as Government departments, or the Courts or Tribunals; or procedural skills to other providers such as corporate legal departments, or Licensed Conveyancers. In later years, when a person has gained a great deal of practical training, and often academic training as well, the Senior Law Clerk, or Senior Paralegal, will often have the day-to-day administrative management of her or his own files, subject always to direct Solicitor supervision and instructions, and to the requirements of the *Legal Profession Uniform Law* (Victoria) and various State or Territory equivalents.

Important note: *Only* an Australian Legal Practitioner, being a person admitted to practise and holding a current Practising Certificate, is permitted by Law to 'engage in legal practice', which means perform legal work, give legal advice and/or provide legal services, *no one else*. *Non-legal practitioners* must work under the direct supervision and control, and on the instructions, of a Legal Practitioner. No matter what you learn in your studies, you must work on the instructions, and under the supervision, of your Legal Practitioner supervisor.

If you show a willingness to learn, and if you decide that you would like to become a Law Clerk, or Paralegal, the first step up is often to become a Legal Secretary or Assistant. By learning from your direct supervisor, you will be able to obtain a working knowledge of what is entailed in administratively managing a file. If you have a supervisor who is willing to let you learn, and to use the knowledge gained through training and/or formal legal study, you will generally be able to start doing some things by yourself before handing in your work to your supervisor to check, rather than only typing directly from a Dictaphone or shorthand notes or other instructions.

In the beginning, this might only mean engrossing and typing some routine forms or short letters, but in time you will often find that your supervisor will rely upon you to perform other additional tasks.

You will probably be employed as a Legal Secretary or Clerk for some years, but you will find that whilst in the beginning you will only carry out routine tasks under very detailed supervision, after a while you will no doubt carry out many tasks often performed by a Law Clerk, or Paralegal (although still always under supervision).

The next step is to talk to your supervisor / employer about being recognised as a Law Clerk, or Paralegal, within the firm or department, and being allowed to work in that capacity. If you have shown ability and dedication to your duties, your employer may decide to allocate to you a certain number of straightforward files for day-to-day administrative management (again, always under the supervision required by the *Legal Profession Uniform Law*). You will probably have to do all of your own typing, as you will still be employed at an initial level; and in fact many people responsible for the day-to-day administrative management of files do their own typing (even many Solicitors these days have computers on their desks!). This is when things become more difficult, not easier, as you will develop a keen sense of responsibility, and be even more careful in your work.

Whilst many of the longstanding and traditional definitions of a Law Clerk have now disappeared, a Law Clerk, or sometimes a Paralegal, is often described as a person administratively managing straightforward files under maximum supervision and instruction, and a Senior Law Clerk / Senior Paralegal as a person having the administrative management of more difficult files under a slightly lesser degree of supervision and instruction. One description of the duties of a 'Law Clerk', and the skills which are required in that role, is included in the *Legal Services Award 2020* in relation to salary and entitlements.

Some Law Clerks or Paralegals, or Legal Executives (see below), do decide, after working in the legal profession and gaining experience and knowledge, to continue on to further study at tertiary level and eventually become Australian Legal Practitioners themselves.

Legal Executive™.

Another possibility for experienced Law Clerks or Paralegals, and subject to the Institute's requirements, is to apply to become a Fellow of the Institute of Legal Executives (Victoria), a "Legal Executive™".

Legal Executives often work at a very high level of responsibility, although still always under Legal Practitioner supervision. Also, Fellows of the Institute of Legal Executives (Victoria) are authorised, by the *Oaths and Affirmations Act 2018* (Victoria) to take Affidavits, witness Statutory Declarations, and certify copy documents as correct, in Victoria.

As may be expected, there are a number of requirements entailed in applying to become a Fellow of the Institute of Legal Executives (Victoria) including, generally, eight years' service in the legal or related profession with five of those years served at a senior level, academic achievement, and satisfactory completion of an Examination. Lesser requirements apply for general enrolment with the Institute. There are also ongoing Continuing Professional Development requirements – ongoing learning.

Court Registrar.

A career as a Court Registrar is, as it sounds, focused on working in the Courts and providing administrative support in a broad range of legal contexts. This can be an excellent career path for a person who is interested in working in the Law, but outside a private legal firm or Government or corporate legal department.

Openings for Trainee Court Registrars are often advertised, and a description of the position can be found on the Magistrates' Court of Victoria website: <https://www.mcv.vic.gov.au/about/careers/trainee-court-registrars>.

Legal Secretary, or Personal Assistant, to a Barrister.

Again, this is a career which may be suited to a person who is interested in working in the Law, but outside a private legal firm or Government or corporate legal department.

Many skills will be required in this role, similar to those required in a Law Clerk or Paralegal role. However, an Australian Legal Practitioner practising as a Barrister works as a 'Sole Practitioner' (by her/himself, unless training with another Barrister) in 'Chambers' (simply put, similar to a collective of separate legal offices), not in a firm; and different Barristers focus on different areas of Law – for example, Family Law, Property Law and so on. A Barrister will receive a 'Brief' (instruction), usually from a Solicitor, and then provide the service requested, which might be to give particular advice on an area of Law and/or to appear in Court on behalf of the client.

Australian Legal Practitioners, and others.

The Law Institute of Victoria has extensive materials available in respect to Solicitors, Barristers, In-House Counsel, Roles in the Court System, and many more.

The Law Institute also holds an annual 'LIV Legal Careers Fair'; and, through its Young Lawyers section, regularly publishes Blogs and other information on Careers in Law.

This information can be accessed at:

<https://www.liv.asn.au/Professional-Practice/Supporting-You/Managing-Your-Career/Legal-Career-Options>.

Finding the 'right' career.

This can take some time, and your parents and School Counsellors will be able to provide you with a great deal of guidance.

Some tips are:

- See if you can gain some work experience so that you can observe what different people do in their day-to-day work, and what is involved in different roles
- Before undertaking post-secondary study, see what skills and training will be provided in the course, and ask about career outcomes for graduates
- View every single experience as a learning exercise, such as your current experiences in learning online and using different computer and internet programs
- Value yourself, and consider any 'transferable skills' you might bring to your future employment
- Consider what will be the 'best fit' for you – study first, then work; work and part-time study; or further study later on after you have gained some experience
- Bear in mind that each job will have its own particular challenges and advantages
- Not every job or role will suit every person – everyone has their own individual strengths and aspirations
- *It does not matter where you start* in your legal career – what matters is that you eventually achieve the career to which you aspire.

A final note, and some further resources.

- Learning the administrative 'discipline' of Law can be useful in many 'non-legal' workplaces where your training, attention to detail, literacy and ethical standards will be held in high regard. Whilst the Law in each State and Territory of Australia is different, with some Federal Law applying across these jurisdictions, learning the administrative discipline of Law in one jurisdiction may still be very useful to you.
- Whilst many of us are currently located in jurisdictions where coronavirus restrictions are in place, much of the work in the justice and legal environments continues, albeit in an online environment rather than 'in-person'. Many employees have retained their employment, and positions are still being advertised.
- Information about wages and conditions can be accessed on the Australian Fair Work Commission website: <https://www.fwc.gov.au/>, and the Australian Fair Work Ombudsman website: <https://www.fairwork.gov.au/>.
- There are many post-secondary courses in legal training available in Victoria, in addition to a Bachelor of Laws Degree. You can find a number of these by going to the Victorian Skills Gateway website: <https://www.skills.vic.gov.au/>.
- Many resources for secondary students and others, including those already working in the legal profession, can be found on the Victoria Law Foundation website; in addition to details of many (often free) Law Week activities in May each year: <https://www.victorialawfoundation.org.au/>.
- The Institute has provided this information as part of its commitment to the general community and legal education. Secondary students will not be eligible to apply to join the Institute, but may find the general information on our website, most kindly hosted by the Law Institute of Victoria, of interest: www.legalexecutives.asn.au.
- Any general enquiry in respect to a person under 18 years of age should be made by their parent, guardian, or teacher.

Good luck with your future career!

Our Philosophy:

Everyone employed in the legal profession is *important*;
every task done well, whether it be mundane or carried out at a high level of responsibility,
contributes to a better profession.

Experientia Docet Sapientiam: Experience Teaches Wisdom.