

AUSTRALIAN LAW STUDENTS' ASSOCIATION

Discussion Paper: Best Practice Guidelines for Vacation and Articled Clerkship Recruitment Schedules and Practices

1. Purpose

This paper outlines ALSA's best practice guidelines for Vacation and Articled Clerkship recruitment schedules and practices in the light of recent proposals for change in a number of Australian jurisdictions.

2. Existing Recruitment Schedules and Practices in Australian Jurisdictions

Australian Capital Territory

- 2.1 Vacation Clerkship applications are submitted in July/August and offers are made in October for the subsequent summer clerkship period (December-February).
- 2.2 Vacation Clerkships are of a long duration, typically eight to ten weeks in length.
- 2.3 Articled Clerkship applications are submitted in March/April and offers are made in June for graduate positions starting in February of the following year.

New South Wales

- 2.4 Vacation Clerkship applications are submitted in July/August and offers are made in October for the subsequent summer clerkship period.
- 2.5 Vacation Clerkships are of a long duration, typically ten to twelve weeks in length.
- 2.6 Articled Clerkship offers are then made in February without a separate Articles application.

Queensland

- 2.7 Vacation Clerkship applications are submitted in April and offers are made in May for the following summer (November-February).
- 2.8 Vacation Clerkships are of a short duration, usually three or four weeks.

- 2.9 Articled Clerkship (called “Law Graduate”) applications are submitted in February/March and offers are made in April for Graduate positions available the following year.

South Australia

- 2.10 Vacation Clerkship applications are submitted in April and offers are made on a firm-by-firm basis during the following months (May-June) for clerkships for the following summer. There is no set offer date.
- 2.11 Vacation clerkships are normally 4 weeks, with some firms offering 6 week placements.
- 2.12 Winter clerkships of around 3 weeks’ duration are offered by a few firms through the same process. This is the exception.
- 2.13 Articled Clerkships are not offered in SA.¹ Most graduate offers are made from the summer clerk pool. There is no formal graduate application process.

Tasmania

- 2.14 There is no formal vacation clerkship program in Tasmania. Some firms do offer them, but not consistently every year. Most firms offer unpaid work experience and these are done on a voluntary basis.
- 2.15 After graduation, the law graduate is required to complete a six month course known as *Legal Practice*. It is similar to *College of Law* but is more intense. It is a full-time course which runs from 9am to 5pm, Monday to Friday. It costs about \$6000.
- 2.16 Upon completion of the course, the graduate is admitted to the bar and can practice anywhere in Australia.

Victoria

- 2.17 Vacation Clerkship applications are submitted in March/April and offers made in May for the subsequent winter (June/July) and summer (November-January) clerkship periods.
- 2.18 Vacation Clerkships are of a short duration, ordinarily three or four weeks per clerkship.

¹ Flinders: PLT (Practical Legal Training) as part of their degree so it is covered by HECS; University of Adelaide: Admission is through a Graduate Diploma in Legal Practice offered by the Law Society concurrently with final year studies.

2.19 Articled Clerkship applications are submitted in December/January and offers are made in late February to begin in February of the following calendar year.

Western Australia

2.20 Vacation Clerkship applications are submitted in March/April for the subsequent winter (June/July) and summer (December-February) clerkship periods.

2.21 Vacation Clerkships are of a short duration, ordinarily two-three weeks per clerkship.

2.22 Articled Clerkship applications are submitted in July/August and offers made in September for positions taken up the following February/March.

Summary

State	Vacation Clerkship Applications	Vacation Clerkship Offers	Vacation Clerkship Periods	Vacation Clerkship Length	Articled Clerkship Applications	Articled Clerkship Offers
ACT	July/Aug	October	Summer	8-10 Weeks	Mar/April	June
NSW	July/Aug	October	Summer	10-12 Weeks	No separate application.	Feb
Qld	April	May	Summer	3-4 Weeks, some 8 week	Feb/Mar	April
SA	April	May-June	Summer + some Winter	4 Weeks, some 6 Week	N/A	N/A
Tas	N/A	N/A	N/A	N/A	N/A	N/A
Vic	Mar/April	May	Winter + Summer	3-4 Weeks	Dec/Jan	Feb
WA	Mar/April	May	Winter + Summer	2-3 Weeks	July/Aug	September

3. Proposals for Change to Vacation and Articled Clerkship Recruitment Schedules

Victoria

3.1 Move the Vacation Clerkship application period to July/August.

3.2 July/August applications will be made for that summer (November-February) and winter of the *following* year (June/July).

- 3.3 Articles applications will be abolished and firms will make offers in February based on the initial vacation clerkship application and the success or otherwise of the clerkship.

Western Australia

- 3.4 CLAP Proposal: Move the Vacation Clerkship application period to July/August to coincide with the Articles application period; July/August applications will be made for that summer (November-February) and winter of the *following* year (June/July); the Articled Clerkship application process will be left untouched.
- 3.5 Blackstone Society Proposal: Blackstone has suggested a compromise model identical to the CLAP proposal, but with winter clerkship applications still being submitted in March/April as per the current model.

4. Vacation Clerkships (Summer)

- 4.1 Longer vacation clerkships are typically anywhere from 6 weeks to 12 weeks, and are common practice in the ACT and NSW. Some firms use the longer clerkship period in Queensland and in South Australia.
- 4.2 Advantages of the longer clerkship period:
 - 4.2.1 A longer clerkship normally increases the probability of receiving a graduate offer from that firm.
 - 4.2.2 From the point of view of employers, the clerkship often serves to begin integrating potential graduates into the firm prior to Articles.
 - 4.2.3 It provides the student with a greater understanding of the firm and a more educated perspective from which to decide to accept or reject a graduate offer from that firm; similarly, it gives the firm a better opportunity to assess the performance of their clerks.
- 4.3 Disadvantages of the longer clerkship period:
 - 4.3.1 Longer clerkships allow firms to assess fewer students through the clerkship process; similarly, students are exposed to fewer firms and are forced to make less educated decisions about where they wish to work as they are choosing between the firm where they clerked and a host of unknowns.
 - 4.3.2 Longer clerkships place undue pressure on firm resources without any particular reward for the firms involved; a period of three to four weeks is

usually sufficient for firms to make a judgment about the performance of the clerks they have employed.

- 4.3.3 Longer clerkships reduce competitiveness in the job market. This is extremely detrimental, especially in the situation of postgraduate or accelerated-degree law students. These classes of students have a very limited time within which to become acquainted with firms. Often they are overlooked in the summer recruitment process due to the small amount of law subjects completed by the time of application. As recruiting graduates from Summer Clerks becomes more of a certainty the job opportunities for these students are dramatically reduced.
- 4.3.4 Longer clerkships encourage a lower absolute number of law students receiving clerkships, which means fewer students have the opportunity to demonstrate their practical legal skills and their potential as graduates in a firm environment.
- 4.3.5 In Queensland, the above factors have resulted in a return by most firms to a shorter summer programme; longer clerkships have been opposed in Victoria on essentially the same grounds.

4.4 Timing

- 4.4.1 Application dates for summer clerkship positions can logically be set at any time during the calendar year preceding the clerkship, but several factors should be balanced in determining the date: the ability of students to determine their availability for clerkships when applications are made; the need for students to ascertain the outcome of their applications with sufficient time to make alternative plans; the availability of results and other relevant application information; the workload of HR and staffing personnel at the time when applications are due; the timing of other relevant recruitment schedules; and, the potential for timing clashes with student examinations and exam preparation.
- 4.4.2 The ideal period for summer clerkship applications is July-September, as students are able to: determine their availability for the subsequent summer; make any necessary arrangements for the vacation period; and, present their first semester results and achievements for the year of application for consideration. Further, the period is apparently a preferred time for firms to receive applications and the potential for clashes with exams or exam preparation is minimal.

4.5 Best Practice Guidelines:

- 4.5.1 ALSA recommends the adoption of shorter clerkship periods of approximately three to four weeks in those jurisdictions that currently use

either longer clerkship periods or a mix of longer and shorter clerkship periods.

- 4.5.2 Multiple short clerkship periods should be offered over the summer break.
- 4.5.3 These three to four week clerkships should be run, where possible, in pre-agreed blocks to allow students to undertake multiple clerkships without clashes between firms.
- 4.5.4 Applications for summer clerkships should be undertaken, where feasible, in July-September.

5. Winter Clerkships

- 5.1 Winter clerkships have the same benefits as shorter summer clerkships, and running a Winter Programme, in addition to a Summer Programme, promotes flexibility and allows students the option to complete a greater number of clerkships.
- 5.2 Timing
 - 5.2.1 Winter clerkship applications should be submitted, where possible, during the first semester of the year in which the clerkship is undertaken, rather than during the previous year. This ensures that students are able to: determine their availability for the winter vacation period; and, include their second semester results from the previous year for consideration with their application.
 - 5.2.2 This requires a separate application period in first semester for winter clerkships, which is more expensive than taking these applications with summer clerkship applications in July-September of the preceding year.
 - 5.2.3 Nonetheless, it is preferable because students are unable to determine with accuracy their availability for winter clerkships in July-September of the preceding year, for example because acceptance into Honours programmes or intensive units has not been determined, and applications for exchange and cross-institutional enrolments have not been finalised. This would likely produce a very high drop-out rate for winter clerkships which would result in an informal and unregulated winter clerkship intake in March or April to fill positions vacated by students unable or unwilling to undertake their clerkships. The combination of high drop-out rates and informal intakes is clearly undesirable for firms and students.
 - 5.2.4 Moreover, student surveys have indicated strong opposition to the determination of winter clerkships in year preceding the clerkship in those jurisdictions where such a schedule has been suggested. This was largely

based on considerations of equity. Students in the graduate and other fast-tracked degree programmes will be significantly disadvantaged by losing the opportunity to apply in their final year for a winter clerkship. Students in the ordinary degree programmes also felt they were disadvantaged for a number of reasons: students would be forced to decide all of their clerkship preferences before they have had any opportunity to undertake a clerkship and decide where their preferences might lie; students are only given one opportunity to obtain clerkships and therefore have no second chance; and students are assessed on fewer grades for winter clerkships than under the prevailing model.

5.3 Best Practice

- 5.3.1 A Winter Clerkship Programme should be run in June-July to allow students an additional opportunity to undertake practical legal work with prospective employers.
- 5.3.2 Winter clerkship applications should be submitted in March-April of the year in which the clerkship is undertaken.

6. Single Application for Vacation Clerkships and Articled Clerkships

- 6.1 The single application approach removes the separate application for Articled Clerkships. Offers for graduate positions are made based on vacation clerkship applications and performance in the preceding period.
- 6.2 Advantages of a Single Application
 - 6.2.1 The single application approach is used in NSW and saves money and time by minimising the number of applications that need to be considered by firms.
- 6.3 Disadvantages of a Single Application
 - 6.3.1 A separate application process assists those students who did not obtain a Vacation Clerkship because it gives them at least a realistic possibility of obtaining articles.
 - 6.3.2 Allowing a separate application for articles also ameliorates difficulties experienced by graduate and accelerated programme students due to their shorter degree programmes.
 - 6.3.3 Separate applications ensure that firms have a more accurate and updated impression of graduates, such as updated academic results and resume information.

6.4 Best Practice:

- 6.4.1 Australian jurisdictions should not adopt the single application method; it is preferable to require a separate application for articulated clerkship positions.

7. Best Practice Model

7.1. Vacation Clerkships should be offered during the summer vacation as follows:

- 7.1.1. Applications should be submitted in July-September for the December-February clerkship period.
- 7.1.2. Participating firms should offer two or three short clerkships of three-four weeks' duration over the summer period.
- 7.1.3. These clerkship blocks should be pre-agreed to avoid clashes between firms.

7.2. Vacation Clerkships should be offered during the winter vacation as follows:

- 7.2.1. Applications should be submitted in March-April for the June-July clerkship period.
- 7.2.2. Participating firms should offer one short clerkship of two-three weeks' duration over the winter period.

7.3. Articled Clerkships should be determined as follows:

- 7.3.1. Articled Clerkship applications should be independent of Summer Clerkship applications, i.e. a separate application should be submitted for Articled Clerkships.
- 7.3.2. Articled Clerkship applications should be submitted in July-September of the year preceding the year in which Articles is undertaken; where appropriate, the deadline for applications should be the same as for summer vacation clerkship applications.