



AUSTRALIAN LAW STUDENTS' ASSOCIATION

Discussion Paper

Uniform National Vacation Clerkships

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Background: Current Vacation Clerkship Schemes

Currently Victoria, New South Wales, Queensland and Western Australia have formalised vacation clerkship guidelines, which differ greatly in dates, structure, application process, and governance. South Australia is in the process of setting up a formalised vacation clerkship scheme. Firms in ACT generally follow the NSW system.

Victoria

- Application period at the beginning of the year for both summer and winter intakes.
- 3-4 week clerkships mid-year break and during summer holidays.
- No regulation of interview and application dates; the guidelines focus is on offer dates and periods.
- The scheme is controlled by Law Institute of Victoria, through a consultative process including firms and Law Student Societies.
- Firms voluntarily sign up to the guidelines.
- Take-up is high, and non-compliance is low.

New South Wales

- Applications period is at the start of semester 2.
- Single 8-12 week clerkship over summer holidays.
- Rules mandate interview, application and offer periods.
- Rules are set at an annual meeting of participating Universities and Law Firms.
- Take up is medium-high, and non-compliance is low.

Queensland

- Application period at the beginning of the year for both summer and winter intakes.
- Previous years included secondary application period mid year for summer intake (under review)
- 3-4 week clerkships mid year and end of year.
- Scheme informally set up through meetings of HR managers of participating firms.
- Consultation of Law Student Societies occurs.
- Take-up is mainly with larger law firms, and non-compliance is low.



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Western Australia

- Application period at the beginning of the year for both summer and winter intakes.
- 2-4 week clerkships (depending on time of year), with up to 5 clerkship 'periods'
- Some firms restrict on which year level of students can apply for which vacation clerkship period.
- Rules are set by Law Society of Western Australia, through committee involving major law firms, smaller law firms practitioners, and a single student representative.
- Rules apply as guidelines to all firms who take vacation clerks or graduates.
- Take-up is high, however there have been problems with compliance.



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2008 Clerkship Dates

Week	Victoria	NSW	QLD	WA
25-Feb 29-Feb				
3-Mar 7-Mar				
10-Mar 14-Mar				
17-Mar 21-Mar	Sum/Winter Applications			Sum/Winter Applications
24-Mar 28-Mar				Applications
31-Mar 4-Apr				
7-Apr 11-Apr			Sum/Winter Applications	
14-Apr 18-Apr	Sum/Winter Interviews			
21-Apr 25-Apr				Sum/Winter Interviews
28-Apr 2-May				Interviews
5-May 9-May				
12-May 16-May	Sum/Winter Offers (24 Hours)			
19-May 23-May			Sum/Winter offers (3 Days)	Sum/Winter Offers (1 hour)
26-May 30-May				
2-Jun 6-Jun				
9-Jun 13-Jun				
16-Jun 20-Jun				
23-Jun 27-Jun				
30-Jun 4-Jul		Summer Applications		
7-Jul 11-Jul				
14-Jul 18-Jul				
21-Jul 25-Jul				
28-Jul 1-Aug				
4-Aug 8-Aug				
11-Aug 15-Aug				
18-Aug 22-Aug				
25-Aug 29-Aug			Summer Applications	
1-Sep 5-Sep		Summer Interviews		
8-Sep 12-Sep				
15-Sep 19-Sep				
22-Sep 26-Sep				
29-Sep 3-Oct				
6-Oct 10-Oct		Summer Offers (5 Days)	Summer Offers (3 days)	
13-Oct 17-Oct				
20-Oct 24-Oct				



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The Role of Vacation Clerkships for Law Students

Vacation clerkships have become central to graduate recruitment. In effect they substitute for interviews, giving priority to graduate applications from students who have previously completed clerkships with a firm. This can be formalised such as in Victoria and New South Wales where there is an earlier graduate offer date for students who have clerked at firms, or informally, such as in Queensland.

Many law firms are moving towards only taking graduates who have previously completed vacation clerkships with the firm. Coupled the reduction in graduate places due to the Global Financial Crisis, very few non-priority offers were made from top-tier firms in 2009.

Vacation clerkships are the main method for students gain to experience what the practice of law is like. Before undertaking vacation clerkships many students will have little idea of what type of law or practice group they wish to work in.

These factors mean that vacation clerkships serve two important roles for students.

1. The main path towards eventual employment in a corporate law firm.
2. A way of gaining insight into what area of law they wish to practice in.

These two roles can conflict, and any system needs to take account of both. The increasing importance of clerkships for students' future careers creates an unwillingness to take risks, such as not rejecting offers in one jurisdiction on the hope of getting an offer in another jurisdiction.

ALSA's Proposed Model

ALSA Council, which is comprised of Law Student Societies from around the country, put forward the following as the basis for a National Seasonal Clerkship Scheme.

1. A common national date for seasonal clerkship and offers, at the start of semester 2 (July -August), which covers all clerkships, offered in the following 12 months.
2. A common period for graduate applications at the start of semester 1 (March-April).
3. Vacation clerkships of 3 - 5 weeks in length
4. A multiple round offers system
5. An offer period of at least 24 hours and not longer than 48 hours.

While each of these elements would be important to achieve true commonality among the systems, the paramount concern is having a common offer date for all jurisdictions. The guiding principle of any national guidelines is that they should be as brief and prescribe the least amount as possible, to allow maximum flexibility in the graduate market.



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1. Should we have a national system at all?

There are three main reasons to have a more consistent national clerkship system.

1. Uniformity will lead to a more opportunities for students to seek employment in corporate law firms. Especially given the current economic downturn, there are more graduates than there are jobs. As well as this legal markets are shifting, and demand is not evenly spread around Australia. Students need to be mobile, and the current system is a barrier to their mobility.
2. A small but significant minority of students wish to apply for work outside the state they are studying in. Currently, students these students must effectively 'choose' the jurisdiction they wish to apply for two years before graduating. A common offer date puts allows students to apply in both their home state. A common application/interview period would reduce the need to apply multiple times and reduce the subsequent impact on their studies.
3. A national system would apply in jurisdictions that currently have no systems (SA, NT, and Tasmania). The experience in other states is that a regulated system is fairer and less stressful for students

It was raised by some LSSs that a national system could disadvantage students from states that are perceived as less 'prestigious', as many students who fail to get vacation work in their own states would apply in these states, increasing competition. However, it was also argued out that that many law firms would have a preference for local students, and that there would still be many students who for personal reasons do not want to relocate.

It was also suggested by some LSSs that it is important to have common rules about interview and application periods. The logistics of interviewing in multiple states could place large burden on students, if they are not all during the same period. On the other hand, it was also argued that if the interview/application dates were all the same then it would create large scheduling problems for students if they cannot organise their interviews into 'blocks'.

Nationals firms felt that leaving the system as flexible as possible would let firms create a vacation clerkship program that reflected their unique culture and focus. National law firms have raised the issue of students applying to multiple offices of the same firm. Hence the firms themselves would deal with this problem internally, and could choose to accept or reject multiple applications. ALSA notes that a common offer date would make it harder for students to apply to multiple offices without detection.

Some national firms also noted the additional resource burden of running a national campaign, as some share resources between offices for recruitment at different times of the year. However, other firms noted that a national scheme would allow them to avoid duplication between offices. It was also noted that an application period in the second



half of the year was less of a resource burden. ALSA will consult with LSSs in regards to this issue.

2. What is the best length for a vacation clerkship?

The two roles discussed earlier conflict most when considering the length of any vacation clerkship. Currently, there are two lengths of vacation clerkship in use in Australia; 3-5 weeks and 10-12 weeks.

A longer clerkship gives a greater experience of that firm's practice, lets students immerse themselves in a particular project, and allows rotations between practice groups. This helps inform students about where they wish to practice in law.

A shorter clerkship allows students to undertake work with multiple firms. Greater exposure to firms allows students to experience different cultures as well as different work, and gives students more opportunity to leave a good impression and secure future work. A shorter clerkship is also easier for interstate students, as they only need to organise short term accommodation.

The view of LSSs at council was almost unanimously in favour of shorter clerkships. In particular it was felt that restricting students to a single clerkship frustrated both the roles discussed earlier. It was also felt that experiencing more than one firm was more important than a very high quality experience at a single firm.

National Law Firms noted that a single longer clerkship took less resources and was preferable in terms of recruitment, as it allowed longer to 'get to know' students. However, multiple clerkships provide a larger pool to recruit from. ALSA will conduct further direct surveys of students to confirm what students' preferences are.

3. How and when should offers be made?

The mechanics of the system raises a number of issues. For a national system to achieve any of the goals above, it must, at a minimum, provide a common offer date, how long offers are to be available, and the process for accepting/rejecting offers.

3.1 Single or multiple offer periods?

Applying for vacation clerkships is a very stressful and time-consuming task. Application letters, along with the growing number of extra questions or tests, require a large amount of time to produce. As well as this many students will have multiple interviews. A well-recognised issue among modern students is being time-poor. The demands of study and part-time work contribute to this. This makes a single offer period highly preferable, as it would mean students only have to go through the process once to apply in all states.



The main disadvantages of a single offer period are that students do not have a 'second chance' if their first applications go badly, and that students must plan in March their situation in November and January the following year. This limit flexibility in terms of travel and other commitments, and creates problems when if circumstances abruptly change.

However, every LSS felt that a single application period was preferable to having two application periods, despite the loss of flexibility. It was accepted that later year Law students would generally be planning ahead anyway, and working around vacation clerkships would not result in much of an extra burden. It was also noted that the change to multiple offer periods in Queensland had not worked as planned, either for the firms or the students.

National law firms were also in favour of a single application period, due to the resources required to manage the high volumes of applications.

3.2 How long should offers be open?

To avoid disadvantaging students from different states the period that offers are open for must be agreed nationally. Currently offer periods vary from 1 hour to up to 5 days. The LSSs agreed that 24 hours was a useful minimum for students to consider what offers are before them, and accept or reject them.

It should be noted that the offer period must be longer in a national scheme than in state schemes, as logistically it will be difficult for all offers to come out at exactly the same time, across different time zones.

National law firms felt that an offer period that was too long would make it difficult to manage acceptances, as most students 'sit' on offers to the last possible minute.

3.3 Should offers be made on a 'rolling offer' or 'round' based system?

A rolling offer system practically exists in Victoria, where firms can make offers throughout the day, filling up their quotas with students lower on their list as offers are accepted or rejected. This was a new introduction in 2009, and appeared to be effective for the law firms in filling graduate positions. However, ALSA has received reports of students being erroneously informed that an offer would be made later in the offer period.

Effectively Western Australia would appear to have a strict 'round' based offer system, where all the firms make offers at 9:00am, and students have 1 hour to accept or reject that offer. However, there is no 'second round' of offers in Western Australia.



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This question centres on if law students can be relied upon to reject excess offers without a strict cut off which forces them to make a decision. If law students will 'sit' on more offers that they can actually take up until the last minutes of an offer period, both firms and other students are disadvantaged as not every vacation clerkship place can be filled.

A 'rolling offer' system, if effective, helps students with multiple offers as they can pick their best offers, and 'sit' on these in the hope that later in the period they will receive an offer from more preferred law firm. A 'round' based system forces those with too many offers to accept or reject early, and therefore advantages students who may not have otherwise received any offers, or have not received enough offers to fill all their vacation clerkships periods.

Overall, it was felt by the majority of LSSs that a 'round' based system would be more equitable, and allow more students overall to undertake a vacation clerkship. The system should place an imperative on students to accept or reject offers by a particular time, allowing firms to make further offers if they have not filled their quota.

National law firms noted that filling their positions is not normally an issue; as they have developed very accurate predictions of take up. Most felt that the second round would be substantially unused.

3.4 When should the application/offer period for seasonal applications be?

The seasonal application date necessarily effects the graduate recruitment dates, as graduate recruitment must occur after students have completed their clerkships. In QLD and Victoria seasonal clerkship recruitment is in March-April, and graduate recruitment is in January-February. In Western Australia seasonal clerkship recruitment is in March-April, and graduate recruitment is in August-September. In New South Wales summer clerkship recruitment is in August-September and graduate recruitment is in January-February.

A number of national firms raised the issue that a national recruitment date would require a prohibitive increase in resources, if both seasonal clerkship and graduate recruitment dates were at the start of the year. It was noted that seasonal clerkship recruitment being moved to the second half of the year would reduce the resources.

ALSA has discussed this issue, and the majority of members feel that there is no issue in moving seasonal recruitment to the second half of the year, as long as students can still apply for jobs at the beginning of their final year. This requires graduate recruitment to be conducted in the first half of the year. There is also an advantage in this separation of graduate and seasonal dates in that that graduate recruitment can be conducted during semester, which is an advantage for LSSs and students.



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However, if a winter clerkship is allowed, graduate applications would occur before students in their penultimate year can complete this clerkship. One effect of ALSA's proposed dates is that the winter clerkship would in effect be only open to third year students, if they wish to apply for a graduate position at the start of their penultimate year. This can be an advantage to students, as it gives them more flexibility as to when to complete clerkships (eg 3rd or penultimate year) and fit in other internships or travel during their degree.

		NSW	VIC/QLD	WA	National
3rd Year	January				
	February				
	March			Vacation Clerkship Applications	
	April				
	May				
	June				
	July				
	August				Vacation Clerkship Applications
	September				
	October				
	November				
	December				
Penultimate Year	January				
	February				
	March		Vacation Clerkship Applications	Vacation Clerkship Applications	
	April				
	May				
	June			Graduate Applications	
	July				
	August	Summer Clerkship Applications			Vacation Clerkship Applications
	September				
	October				
	November				
	December				
Final Year	January	Graduate Applications	Graduate Applications		
	February				
	March				Graduate Applications
	April				
	May				
	June				
	July				
	August				
	September				
	October				
	November				



4. What other aspects of the system should be mandated in national rules or guidelines?

There are many other aspects to the vacation clerkship schemes nationally that are inconsistent, however these have been felt to be less of a direct concern to students, and hence have not been included in ALSA's recommendations.

Overall, ALSA supports minimalist rules that fulfil the goals of making vacation clerkships simpler and more effective for students and firms, while allowing as much flexibility as possible between states and firms. This has resulted in a focus on offer dates, offer periods, and clerkship length as the minimum necessary for compatibility between systems nationally.

For a complete national vacation clerkship scheme, many other issues would have to be dealt with.

4.1 Should interview periods and application dates be set by the rules?

While mandating these dates makes applications easier for students, it also can produce logistical problems for students applying nationally.

Some national Law Firms felt that it was important to address these issues, as mandated interview periods and application dates would help resource planning, and help reduce the increase in resources required to manage a national recruitment campaign.

ALSA council agreed that there should be included in the rules application dates and interview periods.

4.2 Who should govern the guidelines/rules, and through what bodies?

There are a number of different structures nationally, representing numerous stakeholders including:

- Large Law Firms
- Smaller Law Firms
- Law Students, and Student Bodies
- State Law Societies
- Law Schools
- University Careers Services

In general, ALSA does not favour any particular governance structure, but does feel that a formalised governance structure of some sort is necessary. Ad-hoc arrangements are not satisfactory in managing the competing interests, and ensuring continuity from year to year



It is also important that Law Firms and Law Students are represented directly, and that there is also a neutral 'third party' to coordinate any governance arrangements.

4.3 Should the rules cover which year level students must be in to apply?

Currently, the New South Wales scheme mandates that students must be of a particular year level to be eligible for a clerkship. Most other states recommend that students be in their penultimate year, but the decision is left to individual law firms. In all states many law firms restrict clerkships to students in their penultimate year.

This issue impacts on the graduate recruitment rules for each state, which are even more dissimilar and incompatible than the vacation clerkship rules. For example, in Western Australia law firms often reserve winter clerkships for final year students, as the application period for graduate positions is in October.

ALSA feels that flexibility is necessary on this issue, as each state and each firm has different requirements, and should be allowed to restrict their scheme to whatever cohort of students they feel is appropriate.

4.4 Should there be 'opt-in' rules or simply guidelines?

The majority of states use an 'opt-in' system where firms voluntarily sign onto the guidelines and agree to abide by them. This has been quite successful in ensuring compliance, as it allows firms who do not wish to follow the guidelines to sit outside the system. It also helps insure the integrity of the system, as it is more likely that firms who voluntarily 'sign on' to the guidelines will follow them.

Given the vast differences in law firms across the country, ALSA feels that an 'opt-in' system would be more practical, however as long as the integrity of the system is maintained both are acceptable.