



Précis Paper

Access to Legal Education

A discussion about the new higher education reform package known as Job Ready Graduates and what it means for the future of law graduates and the legal profession as a whole.

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Access to Legal Education

In this edition of BenchTV, Lesley Hitchens (Dean, University of Technology Sydney, Faculty of Law, Sydney) and Margaret Cai (President, Australian Law Students Association, Sydney) discuss the new higher education reform package known as Job Ready Graduates and what it means for the future of law graduates and the legal profession as a whole.

Job Ready Graduates

1. A higher education reform package known as Job Ready Graduates was announced by the Minister in around June 2020. It is now being considered through Parliament.
2. The premise of the reform is for the Government to is now considering it through Parliament reengineer funding in order to encourage jobs for the future.
3. In a post-pandemic environment, it sees that it is important that graduates are able to graduate with job ready careers that will assist the country in bringing the economy back and provide the right skills that students may require for the future.
4. The way that it is mainly achieving this is through changing funding that both the government contributes to universities and what the student contributes for their education.
5. The Government sees the future needs for employment in the STEM area, including degrees such as science, engineering and teaching.
6. When a person studies at university, the Government contributes a certain amount to the university for the funding of that education. A student must also contribute a certain amount for the cost of the education.
7. Through the proposed reform, the Government is, in the areas that it considers key for future employment, going to lower the student contribution component in order to encourage students to go into those degrees.
8. However, for degrees such as law, the humanities, social sciences, the Government is increasing costs significantly.
9. For future law students, what they are looking at is almost a move to the student completely funding themselves.
10. The Government is wanting to encourage students to take up degrees in areas that it considers important for the future. However, there are some difficulties around some of the policy and also in particular it impacts on students and values legal education.

Consequences

11. If there is an increase in the cost of law degrees, then that might be a disincentive for students to pursue law.
12. One concern is that universities in general have a commitment to access to education and providing opportunities for students who may come from disadvantaged backgrounds to be able to access the opportunities that a university education brings.
13. In its Discussion Paper, the Government talks about the importance of university education in terms of the employability opportunities it brings and also higher income.
14. If students who come from culturally, linguistically diverse backgrounds do not go into law, then what we risk is not having a diverse legal profession.
15. The legal profession needs people who understand what the needs are of different communities, who understand the impact of law on certain communities and can enrich the way we look at law.
16. For some people, being able to HECS the debt will not make much of a difference in terms of what they end up deciding to pursue at university. However, for others it definitely will.
17. For people who are coming from a socially disadvantaged family, it is not the natural environment of the family to absorb future debt
18. The risk is that the legal profession will lose the voice of culturally, linguistically diverse and vulnerable communities.

Assumptions of the legal profession

19. One assumption of the legal profession is that being in the legal profession is synonymous with wealth.
20. There is a perception that the increase in costs to law degrees is justified as it corresponds with an increased amount of wealth and income in the future.
21. Lawyers do not necessarily come from wealthy backgrounds and it is not a desire of the legal profession to cement that perception.
22. The legal profession is very diverse and a very large percentage of practicing lawyers are either self-employed or working in a small firm. Others work in community legal centres or in the not-for-profit sector. Only a very small percentage of the profession in NSW and nationally work in top tier large law firms.
23. As such, it is important to make sure that all of the sectors of the profession are supported and that people can make a choice of where they want to practice as a lawyer and not be driven by needing to pay off a HECS debt.

Diversity in law

24. Further, the number of people with law degrees who go into diverse industries and different areas outside of law, suggests the versatility of a law degree.

25. The sentiment for many university students is that a law degree is a valuable degree to have. Whilst they might not end up in the legal profession, they may take away different skills into the profession that they ultimately end up in.

Future career changes

26. Any increased cost in law degrees may also make the prospects of future career changes very difficult.
27. A mature student thinking about making a change will take a lot more factors into account and they may not have the length of career that this will bring about.

Opportunities that a law degree brings

28. One of the most significant aspects of the Australian legal education is that most students do a combined degree.
29. Whilst a law degree equips a person to be able to practice law, a law degree also gives a range of employability skills such as communication, problem solving, being able to synthesis complex information, ethical concerns and judgement. These skills are exceedingly valuable in other careers as well.
30. A combined degree brings together different disciplinary areas and skills.
31. One of the policy imperatives really driving the proposed reform is the idea that it will incentivise people to do future ready employment and set people up for what areas are in demand.

No jobs for lawyers

32. Another misconception in the community is that there are not any jobs for lawyers as Artificial Intelligence and robots are going to take over the role of lawyers.
33. In Australia, over 86% of students, within 4 months of completion of a law degree in Australia, a law graduate will have a job.

Law and Technology

34. Many universities are introducing coding and technology outcomes within law degrees for future employability.
35. In the future, with law and technology there will be many different types of jobs available
36. There are different types of roles that technology will enable, ways in which lawyers will use skills and knowledge that have not been worked out yet.

Penalties

37. The Government also proposes to withdraw or limit a student's commonwealth supported place if a person fails more than 50% of their subjects.
38. This demonstrates a lack of understanding of the position that many university students find themselves in and indicates an assumption that students have support networks which often they do not.
39. Over the years, access to university has opened up however this means that there is not a nice, comfortable, model student coming in.
40. Universities have in place programs to assist students through academic progression and to make sure they are on track.

BIOGRAPHY

Lesley Hitchens

Dean, University of Technology Sydney, Faculty of Law, Sydney

Lesley Hitchens joined UTS in January, 2008, serving as Associate Dean (Research) from June 2008 until early 2013. She commenced as Dean of the Faculty in February 2013. In 2015 she was elected as a Fellow of the Australian Academy of Law. Lesley is also a graduate member of the Australian Institute of Company Directors. In 2018 she received the Financial Times Australian Legal Innovator Award.

Prior to commencing her academic career, Lesley practised as a commercial lawyer for seven years, first in Sydney with Allens and later with Herbert Smith (now Herbert Smith Freehills) in London. She spent 14 years in the United Kingdom commencing her academic career there with the University of Leicester. Prior to returning to Australia, she spent four years at the University of Warwick. Upon returning to Australia, Lesley took up an academic position with the University of Melbourne and later the University of New South Wales. She has also held visiting positions at universities in the UK including University of Manchester and Birkbeck College.

Margaret Cai

President, Australian Law Students Association, Sydney

Margaret is currently undertaking a combined Bachelor of Communication (Social and Political Sciences) and Bachelor of Laws (Honours). As President, she coordinates the strategic direction of the Australian Law Students' Association (ALSA) and lead its advocacy and organisational objectives. She has extensively worked on introducing bullying and harassment policies for law students' societies to adopt.