

## **Week 1 – Chapters 1 & 2**

### **Chapter 1 – Lawyers**

#### **What do lawyers do?**

Common conception on lawyer's role:

- Distorters of truth – misunderstanding, the role is to represent the client not find the 'truth' or 'justice'
- The lawyer as sorcerer – use of legal jargon confuses the layperson and creates an image of superiority
- Lawyers as paper generators
- Lawyer as a hero

Stereotypes:

- Aiding rich and powerful to evade the law
- Overcharging
- Exercise control over the client's case making them powerless
- Part of an elite
- Don't reflect the socio-economic, ethnic or gender balance of the community
- Come from affluent backgrounds
- Predominately Anglo/Celtic in origin
- Mostly male

No general definition of 'lawyer'

- Australian Bureau of Statistics: 'legal practitioners' or 'qualified lawyers' working in the 'legal services industry'
- Broader definition: a person who has graduated with academic qualifications in law in one of the courses which form one of the qualifications of becoming a member of the legal profession. The possession of a law degree

Pearce Report 1986 – first survey of law graduates:

- 92% were employed
- 58% worked as lawyers in private practice
- 14% worked as lawyers in industry, government or community legal services
- 13% were in other work of a legal nature
- 15% working in a non-legal nature

Since the Pearce Report:

- another 26 law schools have been established
- more people are using their law degrees in professions other than practicing law
- number of law graduates has doubled in the past decade – more than 12,000 in 2012
- 70% employment rate

### **What's in a name?**

All jurisdictions (except SA) now define a 'lawyer' as 'a person admitted to the Australian legal profession'. Each jurisdiction has its own legislation for rules for admission to the profession. The applicant for admission then becomes a 'lawyer' when admitted to practice pursuant to the relevant legislation

When admitted they become a 'legal practitioner' which entitles them to work as a 'barrister' or solicitor'

### **What is legal work?**

- Refers to work done by legal practitioners as barristers and solicitors
- Advise and represent clients for fees for service
- 'Problem solving': resolve a dispute, investigate a claim, avoid a disadvantage, recover a loss or compensation, negotiate a settlement or agreement, draft a new document, assist a client to manage personal or financial affairs

### **Influence of lawyers in society (text pg 19)**

- uphold rule of law in the defence of a just and democratic society
- promote interests of clients
- utilise the law and legal system
- mindful of concurrent responsibilities to the legal system, courts, clients within an ethical and moral framework to preserve integrity
- represent clients who may otherwise not have access to justice e.g. unpopular clients, pro bono work
- submitting or arguing for change to reform unjust laws
- assisting people to comply with the law
- providing information to public and clients about the law and citizens rights and responsibilities
- Professional AND social role
- Development of public policy, drafting legislation, scrutiny of the law
- Can become community watchdogs e.g. journalists
- Academic lawyers → research encourages scrutiny of the law → establishment of Law Foundations in the 1980s
- Academic lawyers → teach students

### **Duties of a lawyer**

- duty to the client
- duty to advise
- duty of competence and care
- duty of loyalty
- duty to account
- duty to the Court
- duty to administration of justice
- duty to the profession
- duties to third parties

### **2014 destinations report:**

- Median age of law graduates was 24
  - 37.6% male
  - 62.3% female
- Overall, the percentage of graduates who were:
  - available for full time work after graduation: 63.6%
  - in full time study: 22.2%
  - in part time or casual employment: 7.5%
  - unavailable for full time study or work: 6.1%
  - seeking part time or casual work only: 0.7%
- Median salary for law graduates under 25 in 2014 was \$53,000 (Graduate Careers Australia)
  - Male: \$52,500
  - Female: \$54,000

### **In 2015/16:**

- 2,353 barristers held a NSW practising certificate
  - 78.6% male, 21.4% female
- 28,935 solicitors held a NSW practising certificate
  - 50.1% female, 49.9% male

In October 2016, there were 71,509 practicing solicitors in Australia

- 42% in NSW

From 2011 to 2016 the profession grew by 24%

### **Location:**

- 53% practised in the city
- 33% practised in a suburban location
- 11% practised in the country or rural area
- 3% practised from overseas

In 2016, 69% of solicitors worked in private practise

10% in government

16% corporate

### **Since 2011:**

- 34% more women have entered the profession
- 16% more men have entered the profession

In 2016, 621 solicitors identified as Aboriginal and/or Torres Strait Islander peoples

- 53% female
- 47% male