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## Law Graduates' Skills – A Pilot Study into Employers' Perspectives

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*Elisabeth Peden\* and Joellen Riley\*\**

### Skills? What Skills?

Many words have been written about the incorporation of skills into the legal education curriculum. Since the publication in 1987 of the Pearce Report,<sup>1</sup> which castigated some of the more traditional law schools for their approaches to legal education, a body of scholarship has evolved on what law schools should be teaching, and how they should be teaching it.<sup>2</sup> Current wisdom is that law students should be taught skills; the law

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1 Commonwealth Tertiary Education Commission, *Australian Law Schools: A Discipline Assessment for the Commonwealth Tertiary Education Commission* (Pearce Report) (Canberra: AGPS, 1987). Of course, the Pearce Report did not invent the notion that skills-based education was important. See also W Twining, *Taking Skills Seriously* (1986) 4 *Journal of Professional Legal Education* 1.

2 The literature is extensive, but for some illuminating recent examples, see M Keyes & R Johnstone, *Changing Legal Education Rhetoric, Reality, and Prospects for the Future* (2004) 26 *Sydney Law Review* 537; S Christenson & S Kift, *Graduate Attributes and Legal Skills: Integration or Disintegration?* (2000) 11(2) *Legal Education Review* 207; S Kift, *Lawyering Skills: Finding Their Place in Legal Education* (1997) 8(1) *Legal Education Review* 43. For a perspective from the United States see C Menkel-Meadow, *Narrowing the Gap by Narrowing the Field: What's Missing from the McCrate Report – Of Skills, Legal Science and Being a Human Being* (1994) 69 *Washington Law Review* 593. For a view from the United Kingdom see A Bradney, *The place for Teaching Professional Legal Skills in UK University Law Schools* (1987) 5 *Journal of Professional Legal Education* 125.

curriculum should be oriented around “what lawyers need to be able to do” rather than “what lawyers need to know”.<sup>3</sup>

This of course begs a much bigger question. What exactly is it that law graduates need to be able to do? Many of the “stakeholders” in legal education have debated the issue. There have been several government commissioned reports into tertiary education generally, and of education for the legal profession in particular, which have reflected on the skills required of graduates.<sup>4</sup> Many of these studies have generated debate about the “generic” skills required of graduates – of all disciplines, and of law in particular.<sup>5</sup> Academics working in the discipline of law have made cases for the incorporation of certain specific skills, such as legal research,<sup>6</sup> problem-solving,<sup>7</sup> and certain clinical skills<sup>8</sup> (advocacy,<sup>9</sup> negotiation, and interviewing). It has been said that the five legal knowledge types are: substantive law; legal practice and procedure; the policy underlying the law; legal professional and ethical standards; and the social context of the law.<sup>10</sup> On the other

3 See Australian Law Reform Commission Report No 89, *Managing Justice: A Review of the federal civil justice system* (Canberra: AGPS, 2000) at paragraph 2.21.

4 For a review of the government reports see T Hutchinson, Where to now? The 2002 Australasian Research Skills Training Survey (2004) 14(2) *Legal Education Review* 63. See also Australian Law Reform Commission Issues Paper 21, *Review of the Adversarial System of Litigation: Rethinking Legal Education and Training* (Canberra: AGPS, 1997); Id. For what the authors describe as a current “stocktake” of legal education (and not a “review”) see R Johnstone & S Vignaendra, *Learning Outcomes and Curriculum Development in Law: A Report Commissioned by the Australian Universities Teaching Committee (AUTC)* (Canberra: Department of Education Science and Training, 2003).

5 See for example N Schultz, How do Lawyers Really Think? (1992) 42 *Journal of Legal Education* 57; A Greig, Student-led Classes and Group Work: A Methodology for Developing Generic Skills (2000) 11(1) *Legal Education Review* 81.

6 See for example C Cappa, A Model of the Integration of Legal Research into Australian Undergraduate Law Curricula (2004) 14(2) *Legal Education Review* 43, 62.

7 See for example C Hammond, Teaching Practical Legal Problem Solving Skills: Preparing Law Students for the Realities of Legal Life (1999) 10(2) *Legal Education Review* 191; F Martin, Teaching Problem-solving: A Problem-based Learning Approach Combined with a Computerised Generic Problem (2003-4) 14(1) *Legal Education Review* 77.

8 See L Stuesser, Skills for the Masses: Bringing Clinical Skills to More Students at Less Cost (1992) 10 *Journal of Professional Legal Education* 119; R Hyams, The Teaching of Skills: Rebuilding – Not just Tinkering Around the Edges (1995) 13 *Journal of Professional Legal Education* 63.

9 See J Dickson & S Campbell, Professional Responsibility in Practice: Advocacy in the Law School Curriculum (2004) 14(2) *Legal Education Review* 5.

10 See for example S Vignaendra, *Australian Law Graduates' Career Destinations* (Canberra: Department of Employment, Education, Training, and Youth Affairs, 1998).

hand, some academics have cautioned against universities adopting too much of a “trade school” approach in response to commercial pressures.<sup>11</sup> Our project here has been to seek the opinion of another important stakeholder in the legal education debate. We decided to ask known and potential employers of our graduates what skills *they* valued in a new graduate law recruit.<sup>12</sup>

It seems, after all, a sensible question. Lawyers must at least have an opinion on what these essential “lawyering” skills are. Their views are certainly important to law graduates themselves. Legal education – along with all tertiary education – has become oppressively expensive in recent years. Higher Education Contribution Scheme (HECS) fees have increased significantly, many faculties are charging top-up fees, and some students desperate for a legal education, are taking up a rising number of full-fee paying places. Most students graduating from law faculties at the present time – even those on HECS – expect to be burdened with a debt of around \$40,000 when they graduate. The scramble for jobs at the end of their study to pay off this burden has become more stressful, and has induced strategic job-centred approaches to the selection of units of study. Many students seek advice on what units of study will best enhance their employability.

This is not to assert that law schools should surrender control of the law school curriculum to the legal profession. Many legitimate educational objectives do not correlate with billable hours. However, since law schools must be attractive to students, and promise the prospect of employment opportunities, it is important that law teachers are aware of the employers’ voice, particularly when contemplating the incorporation of “lawyering” skills into the law school curriculum.

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11 See for example M Thornton, *The Idea of the University and the Contemporary Legal Academy* (2004) 26 *Sydney Law Review* 481. See also the argument for privileging ethical training in A Goldsmith, *Heroes or Technicians? The Moral Capacities of Tomorrow's Lawyers* (1996) 14 *Journal of Professional Legal Education* 1. For a practical perspective on ethics training, see also C Parker, *What do they Learn When They Learn Legal Ethics?* (2001) 12(1&2) *Legal Education Review* 175.

12 The only other recent empirical work we have been able to find which asks the legal profession for its views is a study of the views of the Queensland Legal Profession: see J de Groot, *Acquiring Basic Legal Skills and Knowledge: What and Where?* (1994) 12 *Journal of Professional Legal Education* 1.

## The Study

This paper outlines a pilot project undertaken to collect empirical data from employers of graduates of the University of Sydney Law Faculty.<sup>13</sup> The project, funded by a small grant of just over \$3000 from the Faculty's own Teaching Innovation Fund, was designed as a pilot project, to sample the views of a range of employers. The impetus for the project was recurring comments made casually to us by employers of our graduates about the quality of new employees. We wanted to see whether this anecdotal evidence was supported more broadly, and whether an extensive project was worthwhile.

It should be stressed that this survey was designed to consider the views of employers, since we were unable to find any recent published data on the perspective of these stakeholders in legal education. We acknowledge the thorough work done by others, dealing with legal education of skills, yet distinguish our pilot study, since the responses we are tabling do not come from graduates themselves,<sup>14</sup> or law faculties,<sup>15</sup> or only law firms, or focus on one skill.<sup>16</sup> For this reason, we do not seek to review the valuable work of others, but merely report on an avenue of discovery we took that might interest others to consider or pursue further. Naturally, should our pilot study be taken further and result in a comprehensive study of recent employers' perspectives, then some interesting and valid comparisons might be made about the differences or similarities of perspectives of legal education between employers, graduates and faculties.

## Methodology

An electronic survey was designed and distributed in late 2003 and early 2004 to 111 organisations known to have recently employed University of Sydney law graduates (65 private organisations, 46 public sector and voluntary organisations). The survey was sent to the relevant manager in charge of

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13 Information collected from the University's career services was used to compile a list of existing and potential employers of Sydney law school's graduates.

14 As was the case in the comprehensive 143 page report by Vignaendra, *supra* note 10, which explains the results of an extensive survey of thousands of 1991 and 1995 law graduates, including their views of the skills they were taught at law school and used in their careers.

15 Johnstone & Vignaendra, *supra* note 4, at 454

16 See T Hutchinson, *Legal Research in Law Firms* (1994) 2 *Australian Law Librarian* 138, which reports on a study done in 1992/3 undertaken "to gauge the importance of legal research skills to the practicing solicitor and articulated clerks in Brisbane firms."

recruitment in each organisation and there was an invitation to distribute the survey to those within the organisation who might be most interested in completing it. The survey went to small and large private law firms, government and non-government (non-profit) organisations, and commercial enterprises. No formal ethics clearance was sought, but it was explained to all respondents the purpose of the study and that the results would be published when finalised.

Unfortunately, we did not obtain responses from all of the organisations invited to participate. A total of 22 responses were received from 16 organisations (14.4% of organisations responded); however, more than one response was received from some organisations. The responses came from:

- 9 responses from 7 government bodies (40.9% of respondents)
- 7 responses from four large law firms (31.8% of respondents)
- 3 responses from two smaller law firms (13.6% of respondents)
- 1 response from one non-government organisation (4.5% of respondents)
- 1 response from one bank and (4.5% of respondents)
- 1 response from one management consultancy (4.5% of respondents).

Most responses came from private law firms, and in particular large ones. To some extent this makes sense, since they employ such large numbers of law graduates each year and are therefore probably most interested in the skills graduates possess on graduation. However, there were almost as many responses from government bodies, so the survey actually was of interest to completely different types of employers. While the managers who received the survey were invited to distribute it to as many people within their organisations as they felt appropriate, some organisations sent back a response on behalf of the whole organisation, while in other organisations respondents made it clear their views were personal, and sometimes they were different to the views expressed by another person within the same organisation. Some were cautious of responding to the survey because they claimed they did not employ University of Sydney graduates in sufficient numbers to be able to generalise their responses. Most did not reply at all, and because of the limited funds available for the project, no attempt was made to follow up those organisations. The reasons why they did not respond at all might be the subject of a further study. Do a significant number of employers of graduates simply not care about the

content of legal education? Do they value other attributes, unrelated to the university curriculum, when selecting recruits? Are they happy to leave decision-making about curriculum up to the academic “experts”? At this stage, these are purely matters for speculation.

## The Survey

The survey used follows as Appendix A. The survey was divided into four sections. Part A sought information of the employer’s view of the skills that a law graduate should ideally possess on graduation. The selection of skills offered for comment in Part A included skills which are typically considered to be “legal skills” (for example, case analysis, legal research, legal drafting and advocacy) and also generic skills, such as written and oral communication, and ethical behaviour, which a graduate of any discipline might be expected to acquire. Part B sought information about the respondents’ views on which of these skills were typically demonstrated by University of Sydney law graduates. Part C asked about graduate training in the workplace, and what training the employer provided. A final Part D sought some information about the employers themselves, to enable us to test for certain biases.

### *Part A – The Skills*

Part A was the longest section of the survey. Question 1 in this Part listed a number of skills – specifically “legal” skills and also more generic skills – and asked employers to rank how important that skill was for a law graduate. The list of skills was taken from the University of Sydney, Faculty of Law, contextualised generic graduate attributes. (The University of Sydney has developed a list of generic graduate attributes<sup>17</sup> that have been adopted and contextualised for each faculty following internal discussion and consultation with relevant external bodies). However, the list picks up on those skills generally considered important in an undergraduate law degree, namely, substantive law, legal practice and procedure, legal policy, professional and ethical standards and the social context of law. Room was also allowed for respondents to add other skills they felt were important. The list was discussed with colleagues and a small sample of employers to ensure

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<sup>17</sup> These generic graduate attributes are: research and inquiry; information literacy; personal and intellectual autonomy; ethical, social and professional understanding and communication.

the list was sufficiently comprehensive, yet not too long to make the survey too time consuming for busy employers. A more comprehensive project, with funding, would probably conduct focus groups to hone the list of "skills" further.

At the beginning, the survey document clarified that the survey sought views on the skills which should be possessed at graduation from the law degree, to isolate the skills developed in the course of university education from those obtained throughout a career, and from other life experiences. Employers were asked to reflect also on the level of competency a graduate should possess in each of the skills. A rising evaluative scale was offered – from "competent", to "quite skilled" through to "expert". The idea was that an employer might understandably want an employed graduate to possess all possible skills. However, realistically, individuals would not be as good at some things as others. We wanted employers to indicate what level of expertise a graduate ought to have upon leaving law school. It was important to point out in the introduction that we were focusing on skills gained at law school, rather than during practical legal training. Question 2 asked employers to list any other skills which a law graduate should possess. Question 3 invited respondents to list up to 10 skills (from the suggested list and/or their own additions) that they considered essential to be taught in university law schools to undergraduates.

### *Part B – The Faculty*

Part B was included in the survey to assist the funding institution to gather useful information for its own purposes. The results of this part of the survey are not discussed in this paper.

### *Part C – In-house Training*

Part C was included in the survey to gather information on the steps employers themselves had taken to improve the skills base of new recruits. In particular, rumours that some large law firms had discovered a need to provide more extensive legal training for new recruits prompted the inclusion of this element in the survey.

### *Part D – The Respondents*

This section was included to discover any information about the person filling in the survey which might influence their



views: their position in the organisation, how recently they had graduated, and which university they had attended. This information was most relevant to assessment of responses to Part B of the survey, about attitudes to University of Sydney law graduates. This element of the survey results is also not discussed in this paper.

## The Responses

Responses were received from seven government agencies, four large law firms, two smaller law firms, one non-government organisation, one bank and one management consultancy.

Because the number of respondents was small, and individuals from within those organisations completed the surveys, great care needs to be taken in generalising from the results. It would be highly inappropriate to make sweeping statements about what employers of law graduates expect, since the survey was merely a pilot, and while the results are interesting, a much larger study would be needed before firm conclusions were drawn. Nevertheless, we believe that the information drawn from this pilot study may be useful as legal academics think through approaches to incorporating the development of skills into the law curriculum.

## The Results

A collation of the data drawn from the survey responses follows.<sup>18</sup> By way of a brief “executive summary”, we draw out here some of the more interesting – and perhaps surprising – observations from that data. We do not, however, make any firm conclusions: we leave that to further larger and more comprehensive studies, which we hope will follow.

### *1 Traditional Legal Reasoning Skills*

The skills traditionally taught in law schools – reading and analysing case law, applying and distinguishing cases, familiarity with legal principles – scored most highly as desirable skills across the range of employers surveyed. The private legal firms scored “read and understand cases” and “knowledge of legal principles” almost invariably in the “essential” category, and required either a “skilled” or “expert” level of competence. The government employers also

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<sup>18</sup> We are grateful to Simon Haag for the collation and statistical analysis of the raw data from the survey.

rated these skills highly. Only the “client”-type employers – the bank and the management consultancy – did not rate these skills highly.

These skills also appeared frequently in Part A Question 3 responses to the question “what skills should be taught at University?”

This finding accords with the results of the de Groot study of the Queensland profession, which discovered that “knowledge of the substantive law” was held to be the highest ranking characteristic of a legal professional, by a substantial margin, ahead of practical and procedural skills.<sup>19</sup> There is also some similarity to the results in the Vignaendra study that reported “a high proportion of graduates indicated that ... especially knowledge of substantive law, legal practice and procedure and (legal) professional and ethical standards [were essential to their work]”.<sup>20</sup>

## *2 Legal Research Skills*

Legal research skills – both electronic and paper-based research techniques – ranked highly, especially among the private law firms, but also among government and non-profit employers. These also were frequently cited in the “top 10” skills to be taught at university.

## *3 Generic Skills*

Ethical behaviour, the ability to work cooperatively and independently, and competence in oral and written communications also scored highly across the board in both Parts A and C. In Vignaendra’s study the most frequently used skills reported by graduates were oral communication and report or letter writing.<sup>21</sup>

## *4 Practitioner Skills*

Surprisingly, the skills that tend to be assumed in the academy to be the real “lawyering” skills – advocacy, negotiation, legal drafting, client interviewing – attracted much less enthusiastic support, even from the private law firms. These skills scored more “neutral” and “not important” answers than any of the other kinds of skills. Advocacy and knowledge of court

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<sup>19</sup> See de Groot, *supra* note 12, at 2.

<sup>20</sup> See Vignaendra, *supra* note 10, at para 4.1.1.

<sup>21</sup> See Vignaendra, *supra* note 10, at chapter 4.

procedures even scored an “undesirable” ranking from one of the major law firms (remember, respondents were asked to consider the skills that should be taught at university, not the skills that a practitioner might ultimately develop). It is worth reflecting here that the common view of the lawyer as a bewigged barrister, arguing cases in appellate courts, reflects a very small proportion of the work of the profession. Most solicitors do transactional work. Nevertheless, negotiating contracts and drafting clauses, also provoked luke-warm responses from private law firms.

Perhaps these are the skills that the employer firms and organisations prefer to teach themselves, to recruits who have already acquired a high level of competence in legal analysis. The best contracts are drafted with sound knowledge of contract law, by drafters with excellent written language skills. The best advocacy is founded upon an accurate appreciation of the client’s legal rights and responsibilities, and under-taken by confident speakers.

## Collated Results of the Survey

Here we first explain the rating system used, and then we produce the results of the survey in a set of Parts:

- Part A – All legal skills. In this Part we digest the responses in respect of all of the skills – analytical and practical – which are typically regarded as “legal” or “lawyering” skills. We break these results down further in Parts B, C, D and E.
- Part B – All legal skills deemed “essential” by respondents. Results are grouped together for each category of employer.
- Part C – All legal skills deemed “important” by respondents.
- Part D – All legal skills deemed “neutral” by respondents.
- Part E – All legal skills deemed “not important” or “undesirable” by respondents.
- Part F – Expected competency levels for legal skills.
- Part G – Generic skills. Results are grouped together for each category of employer.
- Part H – A comparison of employers’ attitudes to generic and legal skills.
- Part I – Other skills. This section analyses responses to Part B of the survey, which asked respondents to identify any further skills that they value in legal graduate recruits.

## An Explanation of the Rating System

Respondents were asked to give a numerical value to a range of legal skills, according to how important it was that graduates possess those skills. The range of answers available to respondents were as follows:

- 1 = essential
- 2 = important
- 3 = neutral
- 4 = not important
- 5 = undesirable

The "mean scores" in the following set of tables therefore show numbers between 1.00 and 5.00 – the lower the number, the more highly valued the skill.

Respondents were also asked to rate the level of competency expected of graduates in exercising particular skills. The specific question asked was, "[Indicate] to what level of competency they should possess the skill?" The range of answers available to respondents were as follows:

- Competent
- Quite Skilled
- Expert

The responses were then converted to a number before calculating the mean. To account for decimal places in the results, the following notations were devised and have been used in the report:

- A mean of 1.0 = Competent
- A mean of 1.05 – 1.50 = Competent +
- A mean of 1.55 – 1.99 = Skilled –
- A mean of 2.0 = Skilled
- A mean of 2.05 – 2.50 = Skilled +
- A mean of 2.55 – 2.99 = Expert –
- A mean of 3.0 = Expert

## A All Legal Skills

### A.1 Importance of legal skills to all respondents

In this Part, we digest the data collected on responses concerning those skills – such as case analysis, legal research, legal drafting, and advocacy – which are typically described as “legal skills”. An analysis of the generic skills follows in Part G.

	Importance of skill	Competency level
Overall mean – legal skills	2.14	Skilled –

### A.2 Type of organisation

With an overall score of 1.89, the NGO attached a higher mean level of importance to legal skills than other types of organisations (though note that this is a sample group of one). The four large law firms rated the importance of legal skills higher (mean of 2.08) than did the bank (2.17), government agencies (mean of 2.2), and smaller private firms (mean of 2.22). Note that these are trends across the categories of organisations; of all organisations surveyed, it was a large major law firm that attached the highest level of importance to legal skills (Large Law Firm 1). The consultancy that participated in the survey did not complete the skills section.

### A.3 Type of graduate training

The organisations that attached the highest overall importance to legal skills were those that reported offering LPAB or College of Law placements (mean of 1.97). This was followed by the organisations that reported offering graduate training (mean of 2.12); those who reported providing on the job training (mean of 2.17) or “various” training (2.17), and organisations that don’t have graduate training or answered “N/A” (2.36).

### A.4 Discrepancy

Several questions attracted a wide discrepancy in responses, some considering the skills important and others considering them not important. These are shown below. The legal skills that received a wide discrepancy of scores were those that received an overall “neutral” rating. The exception is the ability to think across different areas of law, which despite receiving an overall “important” rating was rated “not

important” by one respondent. The large discrepancies can probably be accounted for by the fact that these skills are particular legal skills, which some of the respondents would not require of graduates at all, whereas they might be seen as very valuable to firms of lawyers. However, it might also be that employers value these skills, but do not consider it necessary that graduates possess these skills on graduation, seeing them rather as skills that can be acquired outside of law school. A further study could investigate these issues further.

Skill	Essential	Important	Neutral	Not important	Undesirable
Negotiate Contracts	1	2	6	8	0
Act as advocate in court	0	4	5	7	1
Knowledge of court procedures	3	3	8	2	1
Mediate disputes	0	4	6	2	1
Think across different areas of law	5	8	3	1	0

## B Legal Skills Rated as “Essential”

### B.1 *Legal skills of essential importance to all respondents*

Research skills are clearly identified as “essential”, particularly the ability to find and correctly apply precedent. Electronic research was seen as of higher importance than paper research among government agencies.<sup>22</sup> This was not the case for firms, either viewing them as equally important<sup>23</sup> or preferring paper research over electronic.<sup>24</sup> Paper research attracted a “neutral” rating from one respondent who gave electronic research an “essential” rating.<sup>25</sup>

The six skills listed above rated higher among the four large law firms surveyed than any other type of organisation, with a mean score of 1.13 across these six skills. Four of the above skills received a universal score of “essential” from those four firms. By contrast, the six skills attracted a mean of 1.17 from

22 Four government agencies rated electronic research at 1.0, and one at 1.5; whereas paper research was rated at 1.0 (one response), 1.5 (one), 2.0 (two) and 2.5 (one).

23 Smaller Law Firm 1 (1.5 for both questions); Large Law Firm 1; Large Law Firm 4; Large Law Firm 3; Large Law Firm 2 (1.0 for both questions).

24 Smaller Law Firm 2, 2.0 for electronic research, 1.0 for paper research.

25 Bank 1.

the NGO (noting that this is a sample group of only one), 1.50 among both government agencies, and the bank, respectively (again a sample group of one bank), and of 1.67 among smaller private firms.

The six skills rated higher in importance among firms that reported having training programs for graduates (1.34<sup>26</sup>) than among organisations reporting no such programs (1.42<sup>27</sup>), organisations reporting “various” training (1.50<sup>28</sup>), those reporting on the job training (1.58<sup>29</sup>) and those that reported accepting LPAB or College of Law placements (1.92<sup>30</sup>).

Thus, this group of respondents clearly expects law schools to equip graduates with what might be seen as “traditional” legal skills. However, there is still some support for providing an introduction to other more clinical skills.

Skill	Mean score <sup>31</sup>	Mean Competency level
Electronic research	1.23	Expert –
Read and understand cases	1.27	Quite Skilled +
Find cases and secondary material	1.31	Quite Skilled +
Knowledge of legal principles	1.50	Quite Skilled –
Apply/distinguish cases to facts	1.54	Quite Skilled –
Awareness/ability in paper research	1.58	Quite Skilled +
<b>Overall mean – research skills</b>	<b>1.40</b>	<b>Quite Skilled +</b>

The following tables give a further breakdown of the results according to type of respondent, and are self-explanatory.

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26 Calculated by finding the mean of responses across Government Agency 2, Government Agency 3, Large Law Firm 4, Large Law Firm 2, Large Law Firm 1 and Smaller Law Firm 2, to these six questions. Note that although Consultancy 1 reported giving graduate training they did not complete the Legal Skills section of Part A of the survey and have thus been omitted here.

27 Calculated by finding the mean of responses across Government Agency 1 and Large Law Firm 3, to these six questions.

28 Calculated by finding the mean of responses by Bank 1, as the only respondent that reported offering “various” training, to these six questions.

29 Calculated by finding the mean of responses by Government Agency 6 to these six questions. Note that although Government Agency 4 reported giving graduate training they did not complete the Legal Skills section of Part A of the survey and have thus been omitted here.

30 NGO 1 and Smaller Law Firm 1.

31 Calculated by finding the mean of responses across all organisations providing, an answer to the Legal Skills questions of Part A of the survey.

### *B.2 Legal skills of essential importance to large law firms*

Skill	Mean Score among large law firms
Read and understand cases	1.0
Awareness/ability in paper research	
Find cases and secondary materials	
Electronic research	1.25
Knowledge of legal principles	
Criticise judgments	1.5
Apply/distinguish cases to facts	

Note that for a skill to achieve a mean score of 1.0, all large law firms must each have given that skill a score of 1.0.

To the list of research skills that appear in the overall mean scores in B.1, the large law firms added the ability to criticise judgments.

### *B.3 Legal skills of essential importance to government agencies*

Skill	Mean Score among government agencies
Electronic research	1.1
Read and understand cases	1.4
Find cases and secondary materials	

### *B.4 Legal skills of essential importance to smaller law firms*

Skill	Mean Score among smaller firms
Awareness/ability in paper research	1.25
Find cases and secondary materials	1.5

### *B.5 Legal skills of essential importance to others*

The NGO that responded had interests similar to the large firms. The international bank that responded, also included as essential the ability to argue positions in writing and orally. The consultancy that participated in the survey did not complete the legal skills section. The importance of other skills



to legal consultancies is not mentioned again because of the obvious lack of data.

## C Important Skills

### C.1 Important skills to all respondents

This table outlines a summary of all those responses received, ranking in order the skills listed as “important”, and the level of competency the employers would like graduates to possess.

Skill	Mean Score	Mean Competency level
Criticise judgments*	1.81	Quite Skilled –
Argue positions in writing#	1.81	Quite Skilled –
Think across different areas of law*	2.15	Competent +
Argue positions orally#	2.23	Quite Skilled –
Write legal advice#	2.25	Quite Skilled –
Understand legal theory*	2.27	Quite Skilled –
Interview clients#	2.46	Competent +
Draft basic clauses#	2.58	Competent +
<b>* critical skills – overall mean</b>	<b>2.08</b>	<b>Quite Skilled –</b>
<b># communication skills – overall mean</b>	<b>2.27</b>	<b>Quite Skilled –</b>

It is interesting to note the lesser overall importance given to understanding legal theory (2.27), as opposed to knowledge of legal principles (1.5 – see B.1). Note also the lesser overall importance given to the ability to criticise judgments (1.81), as opposed to the ability to read and understand them (1.27), or apply and distinguish them (1.54) (see B.1).

### C.2 Important skills to large law firms

Skill	Mean score among large law firms
Argue positions in writing	1.75
Argue positions orally	
Understand legal theory	
Think across different areas of the law	2.25
Write legal advice	2.5
Act as advocate in court	

The skills given an “important” rating by large law firms largely reflect the overall list in B.1. The ability to criticise judgments was listed as “essential” by large law firms and so

does not appear here: see B.2. It is also worth noting that the ability to interview clients and to draft basic clauses do not appear here. Of the practical lawyering skills, the one that is rated by the large firms between "important" and "neutral" is the ability to act as an advocate in court. It might be worth pursuing further why this was the case – is it because large firms in NSW work on larger cases and use barristers most of the time, that advocacy skills are not as important? It might be interesting to see whether the same response is true in other states also.

### *C.3 Important skills to government agencies*

Skill	Mean score among government agencies
Argue positions in writing	1.6
Apply/distinguish cases to facts	1.7
Knowledge of legal principles	
Awareness/ability in paper research	1.8
Write legal advice	1.85
Think across different areas of law	1.9
Criticise judgments	2.1
Interview clients	2.5
Argue positions orally	2.5
Understand legal theory	2.6

The three research skills given a rating of "essential" overall (see B.1), but not by government agencies (see B.3), now appear here at the top of the table. All of the skills given an overall rating of "important" in C.1 appear here; except for the ability to draft basic clauses. A further study might explore the reasons for these differences.

### C.4 Important skills to smaller law firms

Skill	Mean score among smaller firms
Read and understand cases	1.75
Apply/distinguish cases to facts	
Electronic research	
Criticise judgments	2.0
Negotiate contracts	
Draft basic clauses	
Knowledge of legal principles	
Think across different areas of law	2.25
Interview clients	
Write legal advice	2.5
Knowledge of court procedures	

Like government agencies, the smaller firms now list at the top of this table the research skills given a rating of “essential” overall (see B.1), but not by smaller firms (see B.4). Perhaps smaller law firms see graduates as primarily being required to “find” relevant law at the start of their employment, where these other skills can be honed.

### C.5 Important skills to others

The responses from the NGO largely reflect the skills rated as “important” overall in C.1. Interviewing clients was given an overall rating of “important” in C.1, but was rated by the NGO as “essential”: see B.4. The NGO also rated as important, several skills that were given a “neutral” rating overall: knowledge of court procedures, and the ability to mediate disputes. This may reflect the type of legal work required by the NGO of their lawyers.

Paper research was not seen as an important skill by the bank respondent. Several of the applied communication skills given an “important” rating overall in C.1 are not listed by the bank: interviewing clients and writing legal advice. However, arguing positions in writing and orally, given an overall score of “important” in C.1, were both rated as “essential” by the bank.

## D Skills of Neutral Importance

### *D.1 Skills of neutral importance to all respondents*

This table summarises the responses concerning skills employers ranked as “neutral” in their importance to graduates they employ.

Skill	Mean score	Mean Competency level
Knowledge of court procedures	2.81	Competent +
Mediate disputes	3.08	Competent +
Negotiate contracts	3.31	Competent +
Act as advocate in court	3.38	Competent +
Overall mean – representation skills	3.14	Competent +

The skills that attracted the lowest mean scores tended to be the skills required to engage in activities of client representation. Among all the types of organisations represented, small firms gave these four skills the highest ratings (in order of the above list, 2.5, 3.0, 2.75 and 2.0). Note that small firms rated the ability to negotiate contracts, otherwise the least important skill identified by respondents, as of the highest importance among this group of skills.

Obviously, it is more interesting to see which skills were considered very important by respondents. However, the following is included for completeness, and a larger study might ask further questions about these responses.

### *D.2 Skills of neutral importance to large law firms*

Skill	Mean score among large law firms
Draft basic clauses	2.75
Interview clients	
Negotiate contracts	3.25
Mediate disputes	
Knowledge of court procedures	

### D.3 Skills of neutral importance to government agencies

Skill	Mean score among government agencies
Knowledge of court procedures	2.7
Draft basic clauses	2.9
Mediate disputes	3.0
Act as advocate in court	3.3

### D.4 Skills of neutral importance to smaller law firms

Skill	Mean score among smaller firms
Argue positions in writing	2.75
Understand legal theory	
Act as advocate in court	
Mediate disputes	3.0
Argue positions orally	3.25

### D.5 Skills of neutral importance to others

The NGO responded similarly to the law firms, rating understanding legal theory and acting as an advocate in court as “neutral”. The bank’s list was understandably different, since certain skills would probably rarely be used in its employment. The list was: think across different areas of law; awareness/ability in paper research; write legal advice; knowledge of court procedures; interview clients.

## E Not Important or Undesirable Skills

### E.1 Not important or undesirable skills to all respondents

None of the legal skills in the survey was given an overall mean score below neutral. However, several legal skills attracted scores from respondents of lower than “neutral”, as shown below. It would be interesting to pursue this part of the survey further. Anecdotes suggest that some employers are happy for graduates to learn certain skills “on the job”, rather than learning those skills before they are employed. Other reasons for a lower ranking might include the fact that some skills listed are used infrequently by certain employers and are thus not required in graduates being employed. It would be worth following up such possibilities, which might provide ideas

about curriculum development and information to students making subject and career choices.

### *E.2 Not important or undesirable skills to large law firms*

Skill	Mean score among large law firms
Act as advocate in court	3.75

Skills given a rating of "not important" or "undesirable" by at least one large law firm respondent	"not important" responses	"undesirable" responses
Act as advocate in court	2	1
Knowledge of court procedures	1	1
Mediate disputes	-	1
Negotiate contracts	2	-
Think across different areas of the law	1	-

With the exception of the ability to think across different areas of the law, the skills attracting "not important" or "undesirable" responses reflect those skills receiving overall "neutral" ratings: see D.1.

### *E.3 Not important or undesirable skills to government agencies*

Skill	Mean score among government agencies
Negotiate contracts	3.6

Skills given a rating of "not important" by at least one government agency respondent	"not important" responses
Act as advocate in court	4
Negotiate contracts	4
Draft basic clauses	2
Mediate disputes	2
Understand legal theory	1
Knowledge of court procedures	1

These responses are not surprising, especially the ranking of ability to negotiate contracts as not important, considering that it is unlikely many government agencies draft many

contracts. Perhaps if and when a contract is needed, such work is outsourced to a law firm. The other skills that were rated as not important are probably those used very infrequently by government agencies.

*E.4 Not important or undesirable skills to smaller law firms*

No skills were given a mean score from smaller firms of less than “neutral”. However, several skills were given a rating of “not important” by one smaller firm respondent, as shown below. No skills were rated “undesirable”. The response rate here is too small to make firm conclusions. It does seem surprising though that a small firm respondent thought that the skill of writing legal advice was not important. The other “not important” responses relate to skills that are perhaps less essential to a small firm environment.

Skills given a rating of “not important” by at least one smaller law firm respondent	“not important” responses
Write legal advice	1
Interview clients	1
Mediate disputes	1
Argue positions orally	1

*E.5 Not important or undesirable skills to others*

No skills were rated “undesirable” by the NGO or the bank. Both stated that it was “not important” that graduates be able to negotiate contracts. The bank also included as not important: acting as advocate in court and mediating disputes. Again, these responses suggest that these skills are not needed in particular workplaces.

**F Competency Levels**

The survey asked respondents not only to evaluate how important it was to them that graduates possess certain skills, but also to explain “how skilled” the graduates should be. As explained above, a scale was offered – from “competent”, to “quite skilled” through to “expert”. Again, the focus was on the competency of graduates on leaving law school, rather than after further training, which they might receive either on the job or elsewhere. It is interesting that no one skill required an overall “expert” level of competence. However, “electronic research” achieved the highest rating. Perhaps this

is one area where employers feel less competent to assist in skill development. In her 1992-3 study on legal research skills of Brisbane lawyers, Hutchinson reported that only 30.1% of respondents used computers in their research.<sup>32</sup> It is likely that the last 13 years have seen a huge change in that regard. Yet as this is a relatively new research method, with which older employers are not as familiar, they may feel that it is a skill best developed at law school, rather than learned in the workplace. Such hypotheses might be considered by a further study.

### *F.1 Competency levels expected by all respondents*

#### *F.1.1 "Expert" skills required by all respondents*

Skill	Mean Competency level	Mean Importance Score
Electronic research	Expert –	Essential

#### *F.1.2 Skills required as "Quite Skilled +" by all respondents*

Skill	Mean Competency level	Mean Importance Score
Read and understand cases	Quite Skilled +	Essential
Find cases and secondary material		
Awareness/ability in paper research		

Law schools could derive some comfort from the fact that as a generalisation, respondents expect law school graduates to be quite skilled at "traditional" skills, such as reading and understanding cases, finding legal material, and paper research. These skills feature prominently in law school subject assessments, which would give graduates the experience to develop the competency expected of them by employers.

<sup>32</sup> Hutchinson, *supra* note 16, at 146.



*F.1.3 Skills required as “Quite Skilled –” by all respondents*

Skill	Mean Competency Level	Mean Importance Score
Apply/distinguish cases to facts	Quite Skilled –	Essential
Knowledge of legal principles		
Criticise judgments		
Think across different areas of law		Important
Understand legal theory		
Argue positions orally		

These skills are the “next on the list” in terms of importance and again the skill level expected is relatively high. However, as there is a ranking of “quite skilled –”, employers see some room for these skills to be improved once graduates arrive in the workplace. It is encouraging that employers regard a good understanding of legal theory as relatively important, since that is something that is less likely to be developed “on the job”, but can be developed at law school.

*F.1.4 Skills required as “Competent +” by all respondents*

Skill	Mean Competency level	Mean Importance Score
Write legal advice	Competent +	Important
Draft basic clauses		
Argue positions orally		
Knowledge of court procedures		Neutral
Act as advocate in court		
Mediate disputes		
Negotiate contracts		

Overall, these more “practical” skills are not required at a sophisticated level at all. This would suggest that these skills can be improved in the workplace and law school training could be merely introductory. This could be investigated further in a larger study.

*F.2 Competency levels expected by type of organisation*

The tables below are included for completeness and for the interests of readers. The results are not surprising: generally,

organisations expect a higher level of competency in skills they see as essential and important in graduates they employ. However, if skills are not seen as important, then, generally, graduates need not be as skilled. Yet, sometimes respondents did rank it as "important" that graduates were at least competent at some skills. Therefore, some employers expect graduates to possess many skills, but only have perfected a few. The following tables are self-explanatory, and the information is easier to assess in tabular form rather than in summary.

### *F.2.1 Competency levels expected by large law firms*

Skill	Mean Competency Level	Mean Importance Score
Read and understand cases	Expert	Essential
Electronic research	Expert –	Essential
Find cases and secondary material		Essential
Awareness/ability in paper research		Essential
Apply/distinguish cases to facts		Essential
Criticise judgments		Essential
Knowledge of legal principles	Quite Skilled +	Essential
Understand legal theory		Important
Think across different areas of law	Quite Skilled	Important
Argue positions in writing		Important
Argue positions orally	Quite Skilled –	Important
Write legal advice		Important
Act as advocate in court	Competent +	Important
Negotiate contracts		Neutral
Draft basic clauses		Neutral
Knowledge of court procedures		Neutral
Interview clients		Neutral
Mediate disputes		Neutral

*F.2.2 Competency levels expected by government agencies*

Skill	Mean Competency Level	Mean Importance Score
Electronic research	Quite Skilled	Essential
Find cases/secondary materials		Essential
Argue positions in writing		Important
Read and understand cases	Quite Skilled –	Essential
Awareness/ability in paper research		Important
Write legal advice		Important
Criticise judgments	Competent +	Important
Interview clients		Important
Argue positions orally		Important
Understand legal theory		Important
Apply/distinguish cases to facts		Important
Act as advocate in court		Neutral
Draft basic clauses		Neutral
Knowledge of legal principles		Important
Knowledge of court procedures		Neutral
Mediate disputes		Neutral
Negotiate contracts	Competent	Neutral

Note that for the ability to negotiate contracts to get a mean rating of “competent” means that all government agencies gave the lowest rating for that skill.

### F.2.3 Competency levels expected by smaller law firms

Skill	Mean Competency Level	Mean Importance Score
Awareness/ability in paper research	Quite Skilled –	Essential
Read and understand cases		Important
Electronic research		Important
Find cases and secondary materials	Competent +	Essential
Criticise judgments		Important
Apply/distinguish cases to facts		Important
Negotiate contracts		Important
Draft basic clauses		Important
Knowledge of legal principles		Important
Think across different areas of law		Important
Interview clients		Important
Write legal advice		Important
Knowledge of court procedures		Important
Mediate disputes		Neutral
Argue positions in writing		Neutral
Act as advocate in court		Neutral
Argue positions orally		Neutral
Understand legal theory		Competent

Note that for the ability to understand legal theory to get a mean rating of “competent” means that all smaller law firms gave the lowest rating for that skill.

### F.2.4 Competency levels expected by others

The NGO and bank were not as demanding as the law firms, stating that they wanted graduates to be “skilled” in many areas where large law firms wanted “expertise”.

## G Generic Skills

### G.1 Importance of generic skills among all respondents

Respondents identified ethical behaviour as the most important generic skill that graduates should possess, although one large major law firm rated the importance of ethical behaviour as “neutral”.<sup>33</sup> Beyond this, the generic skills listed can be loosely grouped into two types: those that demonstrate work ethic and an ability to work as part of a team (marked \* in the list below), and those which demonstrate an ability to communicate effectively with others (marked # below). The mean response for the former was 1.52, while that for the latter was 1.60. A government agency regarded the importance of being able to collect, collate, and so on, information as “neutral”,<sup>34</sup> and two government agencies, and the bank rated the ability to speak confidently as “neutral”.<sup>35</sup> Half of all organisations placed typing last or equal to last in order of importance, although one organisation gave a rating of 1.0 to every skill.<sup>36</sup> One organisation gave typing a higher score than any other generic skill.<sup>37</sup> Note, that unlike some legal skills, no generic skill received a rating of “not important” or “undesirable” from any respondent.

Skill	Mean Competency Level	Mean Importance Score
Behave ethically	Quite Skilled +	1.14
Write grammatically#	Quite Skilled –	1.21
Think independently*	Quite Skilled –	1.43
Work cooperatively*	Quite Skilled –	1.46
Adhere to deadlines consistently*	Quite Skilled –	1.50
Work independently*	Quite Skilled –	1.68
Collect, correlate, display, analyse, and report observations#	Quite Skilled –	1.71
Speak confidently#	Quite Skilled +	1.86
Type	Competent +	2.0
<b>Overall mean – generic skills</b>	<b>Skilled –</b>	<b>1.56</b>

33 Large Law Firm 3.

34 Government Agency 1.

35 Government Agency 1 and Government Agency 2; Bank 1.

36 Consultancy 1

37 Government Agency 2.

## *G.2 Importance of generic skills by type of graduate training*

The organisations that attached the highest overall importance to generic skills were those that reported offering LPAB and College of Law placements (mean of 1.33). This was followed by the organisations that reported offering on the job training (mean of 1.50); those that reported providing graduate training (mean of 1.51); those who reported providing “various” training (1.78); and organisations that don't have graduate training or answered “N/A” (1.89). Again, the importance attached to generic skills was higher than to legal skills, regardless of the type of training offered.

## *G.3 Importance of generic skills and competency levels expected by different types of organisations*

From the results, there are a few differences in the competencies expected by different employers for the different skills. For example, large law firms expected close to “expert” ability to write grammatically, which was also the most important skill, while government agencies and smaller law firms ranked this skill highly, but only required graduates to be between “competent” and “skilled”. Ethical behaviour ranked as the most important skill for government agencies and small firms, and second most important for large law firms, yet was only required at a “quite skilled” level by all. Large law firms expected all the generic skills to be evidenced at a “quite skilled” level, whereas government agencies were satisfied with mere “competence” for typing and collecting and reporting observations. Small law firms generally only required “competence” for generic skills, except behaving ethically and writing grammatically.

Thus, graduates must at least be “competent” at these generic skills in order to find favour with these employers, but rarely must they have achieved “expertise”. It seems then, that from this group of employers, law schools must produce graduates with sufficient generic skills, which can then be honed upon graduation.

## *G.4 Importance of generic skills to others*

The NGO, bank and consultancy ranked ethical behaviour, adherence to deadlines and working independently as “1”. The NGO also ranked at “1” write grammatically, work cooperatively, speak independently, and report observations.

The bank ranked these as “2” or “3”. The consultancy ranked all of the skills as “1”, including typing. However, the competency levels varied. For example, an expert level was expected for behaving ethically, thinking independently, working cooperatively, adhering to deadlines, speaking confidently and working independently. However, the other skills did not need the same high level of competency.

## H Comparison of Attitudes to Generic and Legal Skills

### H.1 *Relative importance*

All organisations rated generic skills as of overall higher importance than legal skills:

Organisation	Generic Skills	Legal Skills	Differential
All organisations	1.56	2.14	0.58
Consultancy	1.0	(no response)	?
NGO	1.11	1.89	0.78
Large law firms	1.50	2.08	0.58
Smaller firms	1.67	2.22	0.55
Bank	1.78	2.17	0.39
Government agencies	1.78	2.20	0.42

### H.2 *Levels of competency required*

Organisation	Generic Skills	Legal Skills
All organisations	Skilled –	Skilled –
Consultancy	Skilled +	(no response)
NGO	Skilled –	Skilled –
Large law firms	Skilled –	Skilled +
Smaller firms	Competent +	Competent +
Bank	(no response)	Skilled
Government agencies	Skilled –	Skilled –

This finding of a higher ranking of generic skills rather than legal skills reflects the approach being taken at the University of Sydney (at least) in relation to generic attributes of graduates of the university. In an Academic Board Resolution of June 1993, the University set out a policy of generic attributes, which “go beyond the disciplinary expertise or technical knowledge that has traditionally formed the core of most university courses and describes the qualities that also equip graduates

for their role in society and the world of work".<sup>38</sup> This ongoing project of the University of Sydney has led to each Faculty contextualising the generic graduate attributes (research and inquiry, information literacy, personal and intellectual autonomy, ethical social and professional understanding, and communication) to explain how these skills are being developed by students before they graduate. Of course, it is hard to really isolate "generic" skills from "legal" skills, since they necessarily overlap and support each other. For example, a student will develop generic skills of ethical behaviour and ability to work cooperatively through their legal education in attending classes, writing assignments, and participating in class. More work could be done on the relationship between "generic" and "legal" skills.<sup>39</sup>

## I Other Skills

In Part B of the survey (see Appendix A), respondents were asked to list any other skills they thought should be taught at university. The following list gives the number of times a particular skill was mentioned by a respondent. Note that unlike the calculation of the mean scores in the previous sections, the totals below include multiple mentions from the same organisation where that organisation provided two or more respondents.

Mentions	Skill
7	Research (2 = stipulated electronic research)
6	Writing (4 = legal writing)
4	Ethics (1 = ethics by example)
3	Communication Interviewing Analytical skills Understanding legal theory Oral skills (1 = oral argument)

<sup>38</sup> "Academic Board Resolutions: Generic Attributes of Graduates of the University of Sydney", para 1: <http://www.nettl.usyd.edu.au/GraduateAttributes/unipolicy.pdf> (accessed 6 January 2006). The policy goes on to identify three attributes, namely; scholarship, global citizenship and lifelong learning.

<sup>39</sup> The Institute of Teaching and Learning at the University of Sydney has an ongoing project on graduate attributes. Their website conveniently provides a list of existing scholarship in this area, further to that already noted in this paper <http://www.nettl.usyd.edu.au/GraduateAttributes/readinglist.pdf> (accessed 6 January 2006).



Mentions	Skill	
2	Work well with legislation Statutory interpretation Understand and criticise judgments/legislation Contract principles Trust principles Draft clauses	
1	Think strategically Think clearly Critical thought Skepticism Understand basic legal principles Equity principles Property law principles Remedies Conflict of laws Corporate law Correct grammar Spelling correctly Identify different means of reaching objectives Ability to change preconceptions and argue for change	Organisational skills Reading actively Read and understand cases Understanding the role of law in society Understand broader social impact of law Political nous Humility Collegiate behaviour A desire to continue learning Draft court documents Court procedures

Many of these skills that are mentioned are already covered in the survey, such as “research”, “writing”, and “ethics”. There are a few skills that are not specifically identified in the survey, but are only identified by one person. Nevertheless, many would probably agree with the merit of graduates possessing for example “humility”, “a desire to continue learning”, “ability to change preconceptions and argue for change”, “an understanding of the broader social impact of law”, and “critical thought”. It is probably refreshing for academics to see that these “less saleable” skills are valued enough by some employers to mention them. However, other employers do focus on what they see as skills of “knowing” black letter law.

## Our Conclusions

Clearly, the pilot survey raises more questions than it answers. While employers known to be interested in Sydney law school graduates were contacted, there may be more possible respondents to a survey like this pilot. Furthermore,

the respondents self-selected from those contacted. Clearly a further in-depth study would be worthwhile. The responses do suggest that we need much better information from different professions about the need for law schools to introduce skills training in the law curriculum.

From the practitioners' own perspective, it is the practitioner skills that appear to be the least valued of the range of skills that we might teach. Teaching these kinds of practical skills is known to be highly resource-intensive. Class sizes need to be smaller, and assessment techniques more time-consuming. At a time when the resources available in the tertiary education sector are stretched to breaking point, it may be that we need to reassess our approaches to "lawyering skills". If this small sample is at all indicative of broader opinion, it may be that law schools' energies in expanding units of study on clinical legal skills are misdirected.

The comments of some of the large firm respondents in the section of the survey asking what training they themselves provide were illuminating. Two firms stated that they had introduced what they described as "black letter law" training programs for new graduates, because "we find some graduates lack basic knowledge", especially in areas such as contracts, equity, company law and private international law. One firm in fact listed a taxonomy of legal subjects – "principles of contract, principles of trusts, remedies" – as the "skills" that ought to be taught in law school when responding to the second question in Part A of the survey.

Tertiary legal education cannot perfectly equip every graduate with all possible skills. There is always going to be a question of priorities as to what ought to be emphasized at law school, since graduates spend a limited time at university. Nor can graduates necessarily develop all the skills gained to the same level of expertise. However, it is clear that generic skills are valued by employers, even more perhaps than purely legal skills, and so law teachers need to evaluate whether their graduates are being given appropriate opportunities to develop these skills. The respondents to this survey suggest that they want to recruit graduate lawyers who are ethical and can think independently and work co-operatively. The graduates should also be able to research, analyse and understand legal resources – meaning cases and legislation. They want recruits who can apply that knowledge to communicate advice and opinions on the law. The practical competencies – in drafting, interviewing, advocacy – come afterwards, with experience and on-the-job training.

A further study could naturally investigate whether the results of this pilot study are representative of a greater number of employers or potential employers. It could also report on more reasons for particular ranking of graduate skills and the levels of competencies expected in graduates. Perhaps a further study in this field might cover some of the following issues not attempted in this pilot survey:

- investigate the reasons why some potential employers did not respond,
- follow-up those surveyed who did not immediately respond,
- compare responses from individuals within large organisations,
- compare responses in different states,
- investigate where potential employers would like graduates to learn different skills, in particular, whether at law school or “on the job”, and
- compare the perspectives of employers, graduates, faculties and current students.

## Appendix A – Questionnaire

### *Graduates' Skills Survey*

Individuals learn different things at different stages of their lives and careers. This survey seeks to concentrate on skills of law graduates when they enter the workplace. Some of them will have also completed College of Law or its equivalent. However, this survey seeks to concentrate on the skills that students will acquire during their law school days.

### PART A – GENERAL SKILLS OF LAW GRADUATES

1 Please consider the following skills and indicate:

- How important is it that new graduates possess the skill?  
(1 = essential; 2 = important; 3 = neutral; 4 = not important; 5 = undesirable)
- To what level of competency they should possess the skill?  
(C = competent; S = quite skilled; E = expert)

Skill	How important graduate possesses skill? (1-5)	To what level of competency? (C, S or E)
Legal Skills		
Read and understand cases		
Criticise judgments		
Apply and distinguish cases to fact scenario		
Think across different areas of law (eg appreciate tax issues in a sales transaction)		
Understand legal theory		
Aware of and able to use electronic legal research materials		
Aware of and able to use paper legal research materials (eg important texts, periodicals, looseleaf services)		
Negotiate contracts		
Write legal advice		
Act as advocate in court		
Draft basic clauses (taking into account legal significance of choice of words)		

Skill	How important graduate possesses skill? (1-5)	To what level of competency? (C, S or E)
Knowledge of legal principles		
Knowledge of court procedures		
Able to find cases and secondary material on legal issues		
Interview clients		
Mediate disputes		
Argue positions orally		
Argue positions in writing		
<b>Non-legal generic skills</b>		
Behave ethically		
Think independently		
Work co-operatively		
Collect, correlate, display, analyse and report observations		
Work independently		
Adhere to deadlines consistently		
Speak confidently		
Write grammatically		
Type		

2 Are there any other skills you would add to the list, and how important are they?

3 Skills can be taught and/or enhanced at various stages of a student's learning: at university, at the College of Law, within the workplace. Which skills do you think should definitely be taught at University, where the focus is research, rather than practice, and lecturers are academics rather than practitioners? Please list up to 10.

- |       |        |
|-------|--------|
| (i)   | (vi)   |
| (ii)  | (vii)  |
| (iii) | (viii) |
| (iv)  | (ix)   |
| (v)   | (x)    |

## PART B – SKILLS OF UNIVERSITY OF SYDNEY LAW GRADUATES

1. Have you ever employed University of Sydney law graduates? If so, when or how often?
2. If you have not ever employed University of Sydney law graduates, is there any general reason why not?
3. If you have employed University of Sydney law graduates in the last 5 years, please answer the following about their skills:  
At the time you employed them, how would you rate the quality of University of Sydney law graduates' work (1 = excellent; 2 = very good; 3 = good; 4 = average; 5 = poor):
  - (a) written work
  - (b) legal argument
  - (c) legal research
  - (d) work ethic
4. How would you compare the quality of University of Sydney law graduates to graduates from other universities?
5. Are there any skills that University of Sydney law graduates seem to lack compared to other graduates?
6. Are there any further comments you would like to make about the quality of University of Sydney law graduates?

## PART C – GRADUATE TRAINING IN THE WORKPLACE

1. Does your firm/organisation undertake training of graduates? If so, what form does this training take?
2. Has this training been modified recently? If so, why and how?

PART D – ABOUT YOU

1. What sort of organisation do you work for?
  - (a) Government
  - (b) NGO
  - (c) Large law firm
  - (d) Medium sized law firm
  - (e) Small law firm
  - (f) Consultancy firm
  - (g) Other – please specify
  
2. How would you describe your position?
  - (a) Partner
  - (b) Senior associate
  - (c) Management
  - (d) Other – please specify
  
3. When did you complete your LLB degree?
  
4. At which university did you complete your LLB degree?