



Legal Working Culture Dead in the Water

‘Legal Working Culture’, or ‘LWC’, which this research establishes, is a substantial description of lawyers’ values, beliefs and behaviour when working and learning together in legal organisations and institutions.

Hann, D (2007) PhD ‘Lawyers Practising Learning: Reshaping Continuing Legal Education

Thank you to my PhD Research Participants

Based on my literature review of contemporary education theory I developed a set of interview questions to delve into these issues and interviewed inter alia the head of a Public Legal Organisation, Senior Magistrate, Judge and Senior Associate. They kindly gave of their time and expertise. These leading professionals also contributed to Legal Professional Development in the profession in other ways such as by conducting seminars. As do may lawyers. who freely give of their time without charge.

In addition to in-depth interviews. I also conducted critical ethnographic research and observed them at work. Semi-structured interviews and transcripts were generated. Then the data was analysed and synthesised. LWC was a key finding.

I then invited senior practitioners from across the legal profession to consider the issues generated from the initial research. They included a Judicial Member, Managing Partner of a Law Firm, Senior Counsel and Dean of a Law Faculty.

Unanimously they shared the view that lawyers at whatever stage of their career, required more support for their learning at work. Based on the participants’ input I designed a professional development model. And made the finding of Legal Working Culture and Leaderwork.

Despite the concerns expressed by my participants about this lack of professional Development support for, in particular, young lawyers, I regret that I was unable to convince the profession to take this seriously or to consider my findings. Or to act.

Why so little change? As one of my participants, observed:

“I have a notion called momentum. As you would know there is a great lethargy in the law and it manifests by people saying, ‘oh we haven’t done it that way before’ or ‘I don’t know how that would sound’ and a lot of people in the law, for good reason, thoroughly enjoy discussing particular matters, for quite a long time, it doesn’t seem to occur to them, at intervals at the end of the day you actually have to achieve something.”p.227

If my research was irrelevant 15 years ago then why is it still that in 2022, according to the Financial Review 27% or nearly a third of young lawyers’ reasons for leaving their job was “lack of professional development/training”. And a further 20% cited “poor workplace culture”. One of the survey participants said:

“The profession is too conservative and older lawyers don’t understand the concept of active mentorship despite several conversations on the topic.”

<https://www.afr.com/companies/professional-services/majority-of-young-lawyers-to-leave-firm-or-industry-in-next-five-years-20220203-p59tgh>

I was most grateful to the research participants who freely gave of their time and experiences and who were interested. Yet upon successful completion of my PhD, it was impossible at the time to garner any interest whatsoever in my findings from either the Faculties of Law, CLE providers or accrediting professional organisations.

My experience was indeed a cogent example of the “great lethargy”.

Let us propel 15 years ahead to consider a current professional development challenge faced by recent law graduates who have completed Practical Legal Training.

Current Reality

How many law graduates in Australia are currently being employed as law clerks or even volunteers instead of receiving the gold standard traineeship and mentorship that they are entitled to?

Why would a legal organisation (the employer) deny a law graduate access to their chosen profession? And therefore recognition (validation) and remuneration as a qualified legal professional who has been admitted to practise? This behaviour could be contributing to the illegitimate withholding of a full practice certificate, given that with the 2 years full practising certificate the time period does not run when the person is employed as a law clerk. Presently there seems to be no independent means by which a person can challenge this within the profession or outside the profession.

It has been exasperating and perplexing that there was an inability to understand the implications of Legal Working Culture when I completed my PhD. Had this been otherwise then law graduates would not now be facing into this harsh reality to the same extent.

Why? Because the values and beliefs inherent in Legal Working Culture, which focus on recognising the work and learning of a lawyer, rather than their formal organisational role would challenge this practice. Fifteen years on it remains to this day intriguing that my research and findings had no traction at all. No hard feelings. Given my participant's words I should not really have been surprised should I?

Moving On

There is only so many time that one can hit one's head against a brick wall. Life goes on. I ended up working for a bank and leading the build of a national enterprise-based curriculum in continuous improvement and operations management. And some years later experienced a career ending work breakdown as a direct result of a workplace psycho-social hazard.

Your Lived Experience

I am curious to explore if there is less resistance now to law growing as a modern profession given that we are in 2023. I have no doubt that there are lawyers' voices in legal workplaces calling out for change and action.

I welcome the opportunity to have a chat and will value your experiences and insights However more importantly I want to build a coalition of support and work together to "achieve something" such as a Practice (work) based Legal Professional Development Model.



Dr Deborah Hann

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