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Access to Justice Arrangements
Productivity Commission
LB2 Collins Street
EAST MELBOURNE VIC 8003

Dear Commission

Thank you for the opportunity to make a submission to the Productivity Commission Draft Report, Access to Justice Arrangements. Whilst there are many important matters discussed by the Draft Report affecting the education and training of lawyers and the issues of access to justice, this submission confines itself to the question contained in Draft Recommendation 7.1 relating to a proposed review of the ongoing need for the Priestley 11 core subjects in law degrees.

We agree with the key points raised in chapter 7 that there is a need for modernisation of the legal education system and this in part could be facilitated through a reduction in the number of core subjects prescribed for the law degree. Although it is suggested that there are no compulsory subjects which must be taught as part of a law degree, as long as there is a prescribed list of topics which are required for admission to practise as a lawyer, law schools will need to structure their degrees around those core subjects, which therefore in effect become compulsory (or as some law schools label them 'quasi-compulsory'). This means that there is little scope for law students to undertake elective subjects in their law degree, even key topics such as family law, taxation, and clinical placements. It also results in law schools having very limited scope to differentiate and distinguish their law degree in order to facilitate student choice. Any alteration to the Priestley 11 has proven to be time consuming and cumbersome, and therefore a real barrier to updating core subjects. In addition, suggestions seem to be only to add rather than reduce the list of subjects.

We would support a review of the Priestley 11 with a view to a significant reduction in the amount of prescribed content. The key objective of such a review should be to bring Australia into line with international equivalents in legal education, which do not require such a highly prescriptive list of compulsory subjects. In particular a reduced version of the Priestley requirements should serve the aim of providing an effective and high quality pathway to qualification for legal practice but which also enables diversity in student learning outcomes, which would better serve our students and the users of legal services. We would be happy to participate in such a review.

We note however, in relation to some of the other points raised under this Draft Recommendation:

- Alternative dispute resolution is effectively a core subject in most law schools. Adelaide Law School includes elements of alternative dispute resolution throughout the degree program and includes alternative dispute resolution in its core subject Dispute Resolution and Ethics, which is a capstone subject in its final year program;
- there is a strong emphasis on practical legal training in the Adelaide Law School, however it is prohibitively expensive to extend it beyond the programs that are already offered;
- clinical legal education is also a part of the Adelaide Law School program, however is a very intensive and expensive aspect of the teaching program. As the Draft Report itself actually states: 'clinical legal education is very intensive in terms of staff resources, and is therefore relatively expensive when compared to more traditional university-based methods for teaching law.' We agree that it is important but could not be offered as a large scale method of teaching.

Yours sincerely

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