

POSTCARDS FROM THE EDGE: PROPOSED DIY DEVOLUTIONARY CHANGES TO PLT IN HONG KONG

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England and Wales



Legal Education and Training Review (June 2013)

Current system of providing training in doctrinal law in a degree based program, coupled with skills training in a post-graduate component, works well

Lord Neuberger of Abbotsbury – fit for purpose





Some recommendations

Extending current system of
apprenticeships

Some recommendations

Greater focus on establishing competencies:

- professionalism
- practice standards; and
- learning attainment
- meta-competencies
 - reflection
 - dealing with uncertainty
 - and emotional intelligence.

Standards

- Establish the performance standards to accompany the competencies
- Assessment must provide an accurate and useful measure of the tasks and skills which are being assessed
- Centrally based assessment?
- Assurance of standardization and integrity - but
- May lack validity in relation to practice and also might act as a disconnect between training and assessment

Other recommendations

- Greater consultation between interested parties e.g. the profession, educators, trainees, regulators etc. to achieve agreement on establishing learning outcomes and determining standards
- A more comprehensive approach to the teaching of legal ethics
- Greater consistency should be achieved with what is taught and what occurs in practice

PRACTICAL LEGAL EDUCATION IN ONTARIO



Ontario - past

- Has employed a system of articulated training
- Articling Task Force Report Final Report, *Pathways to the Profession: A Roadmap for the Reform of Lawyer Licensing in Ontario* (October 25, 2012).

Perceived problems with articling system

- Work experience of participants may be limited to research tasks rather than with those with a practical bent
- Articling tends to occur in large firms:
 - where Principals of firms may be too busy to provide effective feedback
 - students receive little instruction in these large firms in practice management
 - may also be restricted to just one rotation there
 - their experience tends to be irrelevant practice for those who will work in smaller entities and/or practice in different areas of law such as family and criminal law (only 10% of firms with 5 or less practitioners offer articling jobs, yet 50% of lawyers work in such firms)

Ontario articling system

- Where training is good the experience is excellent
- Data will be collected over a five year pilot period re merits of each of these pathways as a basis for making longer term decisions.

Minority Report

- Strongly recommended the abandoning of articles.
- Articling was largely outdated and did little to universally develop necessary competencies, primarily because of the uneven learning experience of law graduates
- Favoured the introduction of on-line teaching skills based program (between two-three months) and considered that assessment of practical legal skills could be conducted on-line

USA



Burden of educational debt



High unemployment among graduates





American Bar Association Draft Report
(September 20 2013)

Questions whether lawyers who enter practice have the necessary practical skills to carry out their roles effectively.

ABA Draft Report

Changing the focus of the education which JD students receive from its current rather academic slant to greater emphasis on practical subjects.



ABA Draft Report

How will this affect the aims of a more doctrinal as well as liberal based JD Program?

Hong Kong



PCLL

- Law graduates are required to complete the PCLL
- Talk of introducing a common qualifying exam in 2018
- In place of or in addition to PCLL?

Issues?

- Lack of standards and/or
- Shortage of places?

The PCLL

- 26 week long course in which students are required to undertake a variety of skills based courses
- Meets a series of Benchmarks prescribed by the Law Society and the Bar
- 1-10 teaching ration at CityU for small groups
- Primarily face to face with some on-line instruction

REDMOND ROPER REPORT

- Identified various problems in the PCLL back in 2001
- Largely fixed – i.e. instruction is primarily skills based and interactive

Maintenance of standards

Law Society:

- Vets, through their external academic advisers (“EAAs”) to the PCLL, all assessment scripts prior to them being undertaken and subsequently checks and reports on the marking of a sample of these completed assessments.
- Their EAAS also attend Assessment Panel Meetings which formally sign off on all results.
- Is sent all course materials used in PCLL Programs to vet

Maintenance of standards

- Sends external academic advisers to sit in on certain small group and large group classes and then reports on the quality of teaching in those classes
- Distributes wide ranging surveys to its trainee solicitors to evaluate the quality and effectiveness of the PCLL Programs.
- The Bar Association also appoints external academic advisers for the PCLL and they carry out an identical function here.

Maintenance of standards

The Bar Association and the Law Society as well as interested groups such as the Department of Justice and the Judiciary sit on the PCLL Academic Boards for all the different PCLL Programs

Maintenance of standards

Finally, the Standing Committee on Legal Education and Training “reviews, evaluates and assesses” the “academic requirements and standards for admissions” in relation to the PCLL

Shortage of Places on the PCLL

- Increase places
- Don't abolish training

Final Word

**If you think
education is
expensive try
ignorance.**

~African proverb