

NDLSS

THE SUNDRY CRIMES

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From the President: Amy Bradley

To all our new readers, new students, current students and previous readers, it is my pleasure to welcome you to our first edition of the 2018 'Sundry Crimes.'

This newsletter has been created with the intention to summarise the NDLS events calendar and provide useful and valuable information that will compliment your legal education. This year, the NDLS will be celebrating 20 years. We anticipate the year to be filled with exciting new changes and additions to our society. I would like to take this opportunity to thank all the committee members for their ongoing hard work, commitment and enthusiasm so far in fulfilling their roles. I am privileged to work alongside and lead a group of hardworking and enthusiastic Law students.

As you might be aware, we have recently changed our website and earlier this year, our logo. I believe that our new look is fitting with our 20th Anniversary and represents the professional and contemporary image that we want our society to have going forward. I would like to thank everyone involved in the design process, and in particular our logo designer Kambarni.

As it is our 20th Anniversary this year, the NDLS is using the celebrations to seek out new initiatives for law students. We are currently working on a few proposals that we hope to put forward to initiate positive change.

The first being our movement to continue on the hard work of the 2017 President Madeleine Shellabear to incorporate the NDLS.

Key Dates to Remember

- NDLS Law Cocktail Party Friday 27 April
- Law Access Walk for Justice Tuesday 16 May
- Perth Law Careers Fair Friday 4 May
- Tri-law Netball Friday 11 May
- 'eNDLS' Career Opportunities Expo Thursday 17 May
- HBF Run for a Reason Sunday 27 May



I would like to remind everyone that we will be hosting a Special General Meeting (SGM) on 2 May from 12.30pm to 1.30pm, in ND11/101 and need your vote. If we become incorporated, it allows the NDLS a greater independence and establishes a sense of professionalism and credibility. I encourage every law student to make their vote count at our upcoming SGM.

On behalf of the 2018 NDLS, I would like to thank you for your support and involvement in our events so far. We are determined and committed to continue to offer all students with social, sporting, educational and wellbeing support throughout this year. The NDLS looks forward to contributing to your time at Law School in 2018.

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Committee Announcements

From the Social Justice Representative: Thilini Meemanage

Although it seems like semester has just begun, the NDLS has already been hard at work! Our first campaign kicked off with International Women's Day. With much appreciated help from our friends at High Street Dispensary the law school raffled food and coffee vouchers raising money for the Women's Law Centre Perth. The Women's Law Centre Perth provides women facing disadvantage access to legal services on a non-discriminatory equitable basis.

Unfortunately, many individuals and families are unable to afford or have access to adequate legal service that would greatly alleviate many hardships they face. We are proud that our students and staff helped us contribute to such a worthy cause.

This Easter the committee continued its efforts in fundraising for great causes. Graciously donated by our very own Dean Joan Squelch, we were able to raffle an Easter hamper filled with our favourite chocolate treats to support the Law Access Walk for Justice that will kick off on Tuesday 15 May. The Walk occurs on National Pro Bono day, celebrating pro bono work of the legal profession of Western Australia. In addition, a few of our toughest and fittest will also be partaking in the HBF Run for a Reason on Sunday 27 May. Donations received by our team will go towards a cause that many hold close to their heart and will help Breast Cancer Care WA continue their amazing work for those affected by breast cancer

The NDLS is proud to have started 2018 with a bang, aiming to give back and contribute to society in a wholesome way, pursuing social justice for all.



We highly encourage students, staff and the wider community to become involved in our efforts, and help us give back to greater causes. Keep your eye out for sausage sizzles, bake sales and other initiatives that NDLS will be putting on to raise funds for worthy foundations. If you would like to join our team or donate to either the Law Access Walk for Justice or HBF Run for a Reason feel free to follow the links below or to approach any of us as to how you can be part of the journey!

HBF Run for a Reason:

<https://www.registernow.com.au/secure/PersonalDetails.aspx>

Law Access Walk for Justice:

<https://www.mycause.com.au/173352/notre-dame-law-students-society>

From the Sports Representative: Oliver Haslam

The headlining event for first semester is the mixed-netball tournament. This event is to be hosted by Murdoch University on Friday 11 May, from 5pm - 8pm, with social drinks to follow.

Students, keep an eye out for further updates.

Please do not hesitate to contact me on sport.ndlss@nd.edu.au if you have any further questions regarding the sporting program for this year.



Committee Announcements

From the Competitions Committee: Amara Hughes & Ciara Nalty

The 2018 Competitions have gotten off to a wonderful start with the NDLS Senior Moot Competition. Competitors prepared written submissions and honed their advocacy skills before our distinguished judges in the first round and Grand Final, and excelled under the pressure of being questioned on their legal arguments.

We congratulate the finalists that progressed through to the Grand Final of the Senior Moot Competition: Sean Foy, Alex Mondia, Amy Bradley and Darren Hart. Our finalists presented their cases to our fantastic judges; the Hon. Justice Robert Mazza, Johnson Kitto and our very own Dean Joan Squelch. All finalists were commended by the judges on their oral arguments and were a credit to the Law School. Congratulations to the Senior Moot winner Sean Foy and runner up Alex Mondia.

"Senior Moot was really well organised in 2018 and it was a pleasure to compete. Presenting to a Full Bench (Justice Mazza, Johnson Kitto and Dean Squelch) was a great thrill. So was receiving their encouragement and guidance. I would like to especially thank the organisers (Amara and Ciara), our judges and my fellow competitors for such an enjoyable and rewarding competition. I encourage everyone considering entering future moots to have a go. Mooting at NDU is a great way to improve your legal knowledge and practice advocacy skills in a realistic and challenging setting." (Sean Foy – 2018 Senior Moot Winner)

The Competitions continue to run for the remainder of the semester, with the Clayton Utz Senior Client Interview and the Ashurst Negotiations Competitions still to come. Thank you to all of the staff and students who have helped with our Competitions so far.



Committee Announcements

From the Careers VP: Briony Whyte

With clerkship and graduate program application periods fast approaching, it's time to start thinking about careers events. The NDLS has partnered with a number of well-known firms, and some lesser known and niche practices, to bring you some great career development opportunities.

As well as the annual Perth Law Careers Fair on 4 May at the Convention Centre, the NDLS is hosting the 'eNDLS Possibilities Careers Expo' on 17 May. The aim of this event is to introduce law students to a number of smaller firms and practice areas that don't normally get much time in the spotlight. As well as our Event Sponsors - K&L Gates, The College of Law, Herbert Smith Freehills, Corrs Chambers Westgarth, Ashurst, DLA Piper, Legal Super, Leo Cussen and Clyde & Co - we will have a number of small firms, government departments and consulting firms in attendance.

We encourage you to come down to the expo and also have a quiz at this year's Careers Guide, which we hope to launch on the same day.

SUMMARY: Key Careers Dates

- Perth Law Careers Fair 4 May
- 'eNDLS' Possibilities Careers Expo 17 May
- Teach for Australia presentation on public speaking 18 April
- Allens Linklaters presentation on personal branding 9 May
- Corrs Chambers Westgarth 'Speed Dating' 29 May
- Ashurst presentation on interview skills 30 May

A number of our sponsors will also be visiting campus this semester to host symposiums.



Teach for Australia will be giving a presentation on public speaking on Wednesday 18 April, Allens Linklaters will be coming down to present on personal branding on Wednesday 9 May and Ashurst will be running a session on interview skills on Wednesday 30 May.

Herbert Smith Freehills will also be running a couple of conversations over coffee (free coffee, I hear you say!?) with dates to be advised.

Corrs Chambers Westgarth will again be hosting their popular 'Speed Dating' event on Tuesday 29 May.

We look forward to seeing you all at the events – please don't hesitate to ask if you have any questions! You can email me at careers.ndlss@nd.edu.au

Law in the 21st Century: Challenges for Practitioners and Graduates

Hayley Cormann - President of the Law Society Western Australia

In the last decade we have seen the practice of law change significantly, yet there is a significant tide of change still to come. The profession faces many challenges. To maintain our strength and integrity, and to earn a reinvigorated value by society on good lawyers, our law schools and our graduates; our lawyers; Government and other stakeholders must accommodate, embrace and work with the challenges we face.

Key challenges include of course, like other industries, technological change. This is about both sophisticated technologies; in artificial intelligence, cloud computing, and electronic records management. Secondly, and at a more basic level, it is the incredible growth in email and other electronic communications in workplaces, and in life generally, over the last decade or so. Understandably many lawyers remain hesitant about how to use technology, and how its use can fit within legal service and practice. Using and managing it of course, also raises new ethical and professional obligations. Even though one might be technologically adept, this doesn't necessarily translate to overcoming the ethical and legal risks attached to using technology effectively and appropriately. Take artificial intelligence as an example. At its most basic level, lawyers must know how any artificial intelligence utilised is working; when it is appropriate to use it; what are the risks associated with it; and critically, when the lawyer needs to step in. AI also does not in any way change the professional obligations which lawyers owe. Its increasing use needs to influence how graduates, juniors and the more experienced lawyers are properly trained to embrace and take advantage of it.

There is no doubt that some opportunities for work might be removed due to advances in technology. But with it, brings other significant areas for growth in legal training and practice. Globalisation and liberalisation of markets are encouraged and facilitated by technological advances. Global business and trade creates a demand for a different type of legal service than what may have been provided in the past. Several law firms already have legal teams in various countries around the world, working together. Globalisation, internationalisation and trade have opened up our legal services market to increased opportunities. Knowledge of international trade law provides a distinct and competitive advantage. With the internationalisation of business comes opportunities for becoming familiar with the particular laws of a foreign country or region, and developing a niche or specialist attraction. For corporates, there is a growing need for legal services in the areas of mergers and acquisitions. Knowledge of international and national laws surrounding joint ventures, financing, capital transfers and competition could prove invaluable. Another area, and one where Australian lawyers can do particularly well, is to carve out a niche in a specialised international practice in human rights law.

There is a picture painted of a profession being flooded with graduates. We must think about the number of available jobs and training opportunities for our graduates, and how we can better manage their expectations about their options. There has not been, and for some time will not be, enough legal training positions available for graduates who want to become lawyers. Of course, not all who graduate with a law degree want to go on to train and qualify as a lawyer. A law degree provides an excellent base for a number of careers. But what about those who do want to train and enter the profession?

Law in the 21st Century continued...

As mentioned, one needs to embrace developing technology and be open to how technology might continue to change in the future. But also, one's personal communication skills in our profession, like other professional service industries, remain absolutely vital. In a generation where we have the most technologically adept group, having grown up with the technology, one of the most valuable skills remains the ability to communicate and empathise with others, to read body language and to understand people. Further, as has been the case now for a little while, no longer can one's sole focus be on specialising in law alone. It is trite to say that law graduates with additional skills such as management and financial expertise are highly sought after. But the benefits of additional areas of study, qualification and in general, interest and extra-curricular activities, also cannot be overstated.

We are also a profession where mental health and wellbeing have been identified time and again. Just over a decade ago – in 2007, Beaton Consulting and beyondblue released the findings of the National Depression Initiative. Findings included that the incidence of depressive symptoms amongst lawyers and law students had reached alarming levels. And indeed, when compared to other professions, lawyers were found to have experienced the highest levels of depressive symptoms.

More broadly for the profession, we face changing work environments, and changing expectations around leadership styles. There is an increased emphasis on recruitment, retention and diversity strategies, and on work-life balance. The profession continues to grapple with diversity, typically struggling to embrace and implement flexibility for employees. From the top down, law firms need to encourage, through demonstration, lawyers feeling free to find balance between professional and personal commitments. This involves the implementation of family friendly policies, but more than that, our culture needs to continue to shift, creating acceptance of a broad range of commitments and interests. Leaders must promote the value of flexibility, not just its availability. And as the profession moves forward, leaders must challenge employees who still hold views that incredibly long hours are normal and required at all times, and that employees who adopt flexibility somehow lack competence or commitment to their employer.

How are our universities preparing our students for life in the profession as it is now, and how it might be in the future? How are we preparing our students for a profession where mental health and wellbeing are major issues? A profession where flexibility and family friendly work practices are still struggling to become embedded? And what are other challenges our students today might be facing in 5, 10 and 20 years' time? The April 2018 edition of the Law Society of Western Australia's Brief magazine shines a spotlight on tertiary legal education, with articles from all five Western Australian law schools attempting to answer some of these questions.

Our university education and training is paramount to helping grow resilient, innovative, ethical and highly competent lawyers, and begin building the skills to survive in a new legal profession. One changed by global shifts, technological developments and changing expectations. Is there a market for legal education providers to move beyond simply teaching "law" subjects. To educate law students about non-legal matters. About leadership; corporate finance; about diversity and its commercial benefits; a foreign language? Universities need to continue to ask - what do our students need to learn to prepare them for longevity and success in the profession.

Law in the 21st Century continued...

Ultimately, the legal profession is a great one. It is moral, it is ethical and above all else, it is about the fair and equitable administration of justice. As the custodians of the rule of law, and of the values and principles that underpin our democratic and legal systems, we have some of the most difficult and complex professional and ethical burdens to bear, and our profession faces many challenges. But we are transforming, and our profession has the capacity to undergo great positive change in the next 20 years. We will always be guided by our overriding duties to the Courts and to the administration of justice. We will be bound by our ethical obligations. But we can be nimble, and we can be not just responsive to change, but we can embrace and anticipate it. Through the way we manage the expectations of our current and future students, through to the ways we train, develop and retain our lawyers. There is a way to ensure our profession remains strong, valuable, and relevant, and for our lawyers to be leaders of the 21st Century.

Article based on the Law Society of Western Australia's Future of the Legal Profession paper, published 12 December 2017 and its associated sources.

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Location	Applications	Program
Perth	26 March – 23 April 2018	18 May 2018



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Enquiries:

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As a junior lawyer, your enthusiasm is in overdrive. Everything is interesting. You have a million questions for everyone. You want to be the best. And for me, I wanted to be the best lawyer and leader I could be.

Right now I'm a corporate and tax lawyer, buying and selling companies, structuring investments and having the occasional battle with the ATO.

So, a little while after I started at Clayton Utz, I joined the social committee. A powerful assembly fuelled by lunchtime pizza-wielding lawyers making important decisions like choosing the Christmas party theme. They knew I liked pizza, but had no idea I was gay. You see, I wasn't out at work yet and this became a genuine source of anxiety for a good two years.

But In May 2015 this all changed...

To listen to Luke's full story, go to:

claytonutz.com/graduates

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TIPS FROM THE LAW SCHOOL'S 2018 CV WORKSHOP

Dr Lara Pratt

The most important piece of advice is to **COMPLY** with any instructions that appear in the job advert. Initiative is a good characteristic. Failure to follow instructions is not.

Learn from those of you who incorrectly replied to the CV Workshop email. These three things can mean your application is deleted before it is read:

- 1) To whom should you address the application?
- 2) Are there any format requirements (including for subject/reference lines)?
- 3) Are you required to provide/bring along specific documents? Assuming you comply with all instructions, your CV should evidence your skills and experience.

PRESENTATION AND DETAILS make a difference. Pay attention to the general appearance of the CV – font size, margins and having 'plenty of white space' can make the CV easier to read. Keep it short and concise: Two pages is the norm for a CV at this early stage of your degree – but definitely no more than three for 'entry level' law jobs.

Never, ever, send your CV out without having it proof read. And once you have made changes or edits, have it proof read again.

However, all the advice about formatting means very little if the content is not right.

BE HONEST about your experiences and skills. Exaggerations or untruths have a way of coming out.

And on that note, **BE STRAIGHTFORWARD**. HR Managers know all the 'buzzwords' and are wise to imprecise adverbs / adjectives that are used to hide a lack of real content. Saying you have a 'passion for social justice' means very little unless it is demonstrated through concrete examples such as choice of electives, volunteering or employment in social justice organisations (so long as they are current and not confined to the requirements of your High School or the Ethics and the Law course).

And, if you have these examples, you don't need to state that you have a passion – the reader will realise that!

BE FLEXIBLE, CURRENT AND CREATIVE with how you communicate your achievements.

Remove content that is old or outdated, or that does not have much relevant to who you are today. It is appropriate that some past achievements be represented on your CV. However, if they dominate your CV you send the wrong message.

CV TIPS CONTINUED...

For some of you, if the CV shows you were a high achiever with many extra curriculums at High School, but you have not participated in any competitions, work experience or extra-curriculums at University, it may inadvertently tell a potential employer when you needed to take responsibility for your own decisions, you decide not to be engaged. Alternatively, for those more mature students, no matter how impressive your past career is, you might be telling a firm that you are very good at that past job, but 'too experienced' and unlikely to appreciate the basic tasks you will be given in an entry level law role.

You have several options. Consider spreading past experiences among several headings where you also have law experience such as "Volunteering" or "Awards and Achievements". For some people, confining past experiences to a heading such as "Select Past Employment Experience" or "Other Achievements" with only a limited selection of the content may also strike that balance between showing you have a range of skills/experiences while keeping the CV focused on law-relevant content.

Of course, your best option is to participate in competitions, work experience or community activities (including joining NDLSS). Then you will have more content to work with!

Always endeavour to **APPLY EARLY**. Unlike your assignments at Law School, there are no extensions. Employers will not care that your wi-fi crashed or that you missed a deadline because their system was slowed down by the 50 other applicants also applying at the last minute. If a role is very popular an HR Manager may (officially or unofficially) stop accepting applications before the due date.

REFEREES should always be consulted in advance of applying.

As a general rule, keep your **COVER LETTER** to one page that 1) expressly links your CV content to the job/firm and 2) explains or expands on points in your CV.

RESEARCH THE FIRM – address your letter to the right person, make specific mention of areas of practice or specific projects that the firm undertakes (eg. pro bono projects) and briefly explain why your experiences make you a good fit. This means 'template' cover letters are risky and you should personalise each cover letter.

Take the opportunity to briefly explain certain things in your CV – did you study part time? Did you take a year off? Why did you make a career change to law? Be brief and to the point, but explain anything that could potentially flag as a concern.

Finally, as future lawyers, you should be behaving in a professional and appropriate manner at all times.

In an age of **SOCIAL MEDIA** this is particularly important as no matter how tight your privacy settings, evidence of your indiscretions can quickly end up on your boss' desk. If you have not already, **STOP** using social media in a way which could be embarrassing or unprofessional and **PURGE** it of questionable content. Better yet, **STOP** behaving in a way that you would not want a future boss to know about! Social media can be a wonderful tool, but be sensible with it.



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#3 Global brand: DLA Piper ranked third on the Acritas Global Elite Brand Index 2016.

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In Australia, we are recognised as an Employer of Choice for Gender Equality by the Workplace Gender Equality Agency.

We are also members of the Tristan Jepson Memorial Foundation, supporting workplace psychological health and safety.

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As a clerk, you can expect to have a varied experience both in and outside the office. You will gain first-hand experience in the practice of law by doing real legal work.

Joining us as a clerk is your path to a Graduate position. At DLA Piper we recruit to retain and once you qualify, we will continue to offer you exceptional career opportunities, in an environment that is challenging, rewarding and, we believe, truly different from our competitors.

We are also committed to supporting our people's desire to experience working life in other parts of the world. For our Graduates we offer the opportunity to apply for a six month rotation to one of our offices in Asia. We believe our secondment program fosters a global mind-set and is critical to our success.

WHAT IT TAKES

Being an excellent lawyer requires more than just comprehensive technical knowledge. Every aspect of our approach is tailored carefully to our clients, their business needs and industry. Successful applicants are not only bright, as demonstrated through strong academics, but they also bring unique life experiences and insights to the table. Our lawyers are excellent communicators, collaborative team players and commercially minded, because our clients are the core of our business.

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BE PART OF OUR STORY



My experience as a G+T clerk solidified two things for me: first, that I definitely wanted to be a lawyer, and second, that I definitely wanted to be a lawyer at G+T.

I clerked in the Litigation team for three weeks and worked on matters ranging from corporate law to torts to property law. I was always given work that was interesting and challenging, and I felt that the team gave me a great deal of responsibility over some very important tasks — one example was a task to draft two letters of advice for a pro bono matter.

Aside from the excellent matters that G+T deals with, it is truly the people that make the firm what it is. Throughout the entire clerkship, I felt that I was a valued member of the team, despite the temporary nature of a clerkship. It was clearly evident that everyone in the team (and the firm more broadly) wanted the clerks to feel included and supported and I felt that this came from everybody — regardless of whether the person was a partner, senior associate or junior lawyer.

This three-week clerkship showed me that G+T is a driven firm that achieves what it sets out to do: not only does G+T desire to be at the forefront of the legal profession in Australia, it is currently achieving this in leaps and bounds.

Further, and equally as important, the clerkship experience showed me that all of these goals can still be achieved without compromising on a tight-knit, collegial firm culture. My choice was easy when G+T offered me a paralegal position for 2017 and a graduate position for 2018.

Ashley Roberts –
2016 Summer Clerk, 2018 Graduate

I joined the Corporate Advisory team for three weeks in November 2017. From the outset, my experience at G+T was thoroughly enjoyable. G+T promotes a highly friendly team-based work environment. This is recognisable by G+T's unique style of 'group' interviews run in an informal and social setting.

This experience continues throughout your clerkship, whether it be coffee catch ups, morning teas, lunches, social events or team meetings. One of the highlights of my clerkship was Side Bar – where partners and senior lawyers sit down with junior lawyers and discuss pretty much anything.

This warm, team-based environment is epitomised by the open-plan office, which allows you to work closely with your supervising lawyer and partner. To my surprise, during my clerkship I was tasked with working on a wide array of matters, including preparing a memorandum addressed directly to a client. The firm is extremely supportive in the work you undertake, and junior lawyers feel very comfortable in approaching senior lawyers and partners for advice on any issues.

I was delighted to be offered a position as a paralegal following my clerkship, and am now undertaking two days a week in the Corporate Advisory team.

The clerkship provides an invaluable insight into the culture at the firm. I would highly recommend to anyone considering a clerkship in Perth to apply for a clerkship at G+T.

Jack Bannister –
2017 Summer Clerk, 2018 Paralegal

My clerkship experience at Gilbert + Tobin both affirmed and exceeded many of my expectations. The effort and time that was dedicated to ensuring my clerkship was reflective of the daily working culture that I would be a part of should I elect to work as a Graduate at Gilbert + Tobin gave me the confidence that I would be joining a workplace that was genuine, dedicated, driven and an exciting place to be.

In Corporate Advisory, I found myself surrounded by, and working with, intelligent and passionate leaders, motivated to continue to grow the firm's practice, solidify its excellent culture and maximise its potential but also ensuring that junior practitioners are involved in these exciting changes.

I always felt able to ask questions and had access to support at all levels. I found myself constantly challenged, encouraged to think to for myself and give things a first go.

Looking back, I gained many skills – corporate knowledge, legal and drafting skills, interpersonal skills, a broader legal network, confidence and an affirmed drive to pursue a career in Corporate Advisory.

Gilbert + Tobin is a firm that is constantly exceeding expectations in the commercial sphere and I am excited to be joining the firm on its journey.

Gabrielle Sumich –
2017 Winter Clerk, 2018 Graduate



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Current News: Proposed Changes to the Family Court Act 1997 (WA)

Michael Salvaris

A de facto relationship is defined as a 'marriage-like' relationship, with various factors taken into account to determine whether a de facto relationship exists between two persons.¹

These factors include, inter alia:

- a) The length of the relationship;
- b) Whether the parties lived in the same home;
- c) Whether a sexual relationship exists or existed;
- d) The level of financial dependence or interdependence; e) Whether the parties support children; and
- f) The ownership, use and purchase of property.

Western Australian de facto couples are distinguished from married couples who are subject to the *Family Law Act 1975* (Cth) (**Commonwealth Act**) by virtue of the Constitution providing Parliament with the power to govern matrimonial causes.²

In Western Australia de facto couples are dealt with under the provisions of the *Family Court Act 1997* (WA) (**WA Act**). The position for de facto couples in Western Australia is in stark contrast with that of all other Australian States which have referred their powers to the Commonwealth to deal with de facto relationships.

Under WA legislation de facto couples are currently unable to split their superannuation in a property settlement. However, the Commonwealth Act gives relevant Courts wide powers to deal with superannuation interests of 'spouses,' which is defined as either a party to a marriage or a party to a de facto relationship.⁴ The Court can determine what the parties' pool of assets and liabilities consist of in order to make a fair division of them amongst the parties. The result of this is that de facto couples' superannuation can be split either by an order of the Family Court or Federal Magistrates Court, or by a superannuation agreement (which is essentially a financial agreement) under the Commonwealth Act.⁵

Yet for Western Australian de facto couples, superannuation is simply treated as a financial resource⁶ as the State Parliament does not have the power to legislate with respect to superannuation. By virtue of this restriction, de facto couples in Western Australia are exposed to several issues with respect to superannuation when parties go through the process of separation.

The primary issue is that a de facto party may divert additional assets or income into their superannuation leading up to separation, which effectively protects such assets or income and may cause them to be left out of a splitting order relating to the party's other assets.

Current News continued...

A further issue exists with relation to primary caregivers for children, where one party may have ceased their employment for a period of time to care for the parties' children and not accrued superannuation entitlements for lengthy periods, leaving them with little superannuation in the event of a separation.

Recently, calls have been made by members of the legal profession and superannuation funds to amend the WA Act, or for WA to refer the powers to deal with de facto couples to the Commonwealth to allow de facto couples to split their superannuation upon separation.⁷ It appears that these calls have been heard by Federal Attorney-General Christian Porter, who has advised that this issue will be brought forward for consideration and potential reform.⁸

It will be interesting to follow this matter to see if, and if so what, action is taken by the State Government to fix this issue. It is hardly surprising that Western Australians are pushing for change, given the number of de-facto relationships continues to rise.

For students interested in learning more about this topic and about family law in general I would thoroughly recommend enrolling in the Family Law elective unit offered in Semester 2.

1 See Interpretation Act 1984 (WA) s 13A.

2 Australian Constitution s 51(xii).

3 See <<https://www.ag.gov.au/familiesandmarriage/families/supersplitting/pages/default.aspx>>.

4 Family Law Act 1975 (Cth) s 90MD.

5 Ibid s 90MHA.

6 Family Court Act 1997 (WA) s 205ZD(3)(f)(ii).

7 See, eg, < <https://probonoaustralia.com.au/news/2017/07/calls-super-splitting-wa-de-facto-couples/>>.

8 See <<https://thewest.com.au/news/wa/wa-de-facto-couples-to-split-superannuation-after-break-ups-ng-b88781066z>>.

The logo consists of the text "K&L GATES" in white, uppercase, sans-serif font, centered within an orange rectangular box. The background of the entire page is a dark blue color with a stylized graphic of a tree. The tree's trunk and branches are white and grey, curving upwards and to the right. The leaves are various shades of green and yellow-green, scattered throughout the scene.

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A Day in the Life of a Recent ND Graduate: Demi Swain

Demi graduated from Notre Dame in 2017 with a Bachelor of Laws and Commerce (HR). She is currently is a Graduate at Pragma Legal and is a Piddington Society Fellow.

What does your average day look like?

My average day involves firstly assessing what my priorities are. I determine which of my files require my urgent attention and then assess what needs to be done (whether that's drafting a letter, contacting the court or the client, drafting court documents etc).

I then typically set myself a to do list for the day and work from that, whilst keeping in regular touch with my supervisors. Organisation is key.

Are you involved in any pro-bono opportunities at work?

My firm regularly has pro-bono matters. It is great to be able to assist more vulnerable clients with their legal issues. My director is the chair of the Subiaco Community Legal Service Inc. and I have been fortunate enough to help assist him with the development of this service. The service currently provides a drop in clinic on Monday nights.

Pro-bono work and associations such as the Subiaco Community Legal Service Inc. are invaluable to the community and it's a fantastic opportunity to help vulnerable clients and develop my legal skills simultaneously.

I would encourage all students to get involved with a Community Legal Centre at some point in their law degree. In 2017 I volunteered at the Employment Law Centre; which was an invaluable experience.

What is your advice for fellow ND students hoping to pursue a career in commercial law?

Get practical experience and be resilient.

I think it's so important for students to get their foot in the door and experience different areas of the law, whether that be commercial or otherwise. It enables you to get a real taste of the application of the law in that area to determine if it's right for you.

No experience is ever bad experience! You develop skills to be better equipped in the future and every opportunity enables you to learn from your mistakes (as cliché as that sounds).

We believe that **Practical Legal Training** should be just that – practical.

Hear From Our PLT Graduates

Graduate Diploma in Legal Practice | PLT

Samuel Legge

Monash University

Leo Cussen was a tight-knit group of mentors and classmates who were all supportive of each other's professional development. It was acceptable to seek advice and engage in discussions about how to best undertake tasks. Openness and honesty were not viewed as a vulnerability or weakness but as a foundation to consolidate knowledge. The distinct lack of competitiveness positively shaped my Leo Cussen experience.

I studied law to challenge myself and did not necessarily envisage myself practicing law when I commenced the JD. However, I was thoroughly engaged by numerous areas of law that converged with pre-existing interests.

I am currently working in the Kimberley for a Prescribed Body Corporate, Nyamba Buru Yawuru. I assist with the joint management of the Broome Conservation Estate and the Roebuck Bay Marine Park. Equally, I am involved in native title and future act matters, which seek to protect,

promote and sustain the law and culture of the Yawuru Community.

I was attracted to Leo Cussen because friends had previously attended Leo Cussen and encouraged me to do so.

“Leo Cussen was a tight-knit group of mentors and classmates”

Additionally, the ability to work and study remotely was essential and something that Leo Cussen accommodates.

The area of the course I enjoyed most was that there were no exams. The continual assessment, which replicates actual workplace practice made the course much more enjoyable. This practical approach to learning combined with excellent mentoring, in which comprehensive pre-submission feedback is provided greatly assisted my learning.



Highly practical course with 'learning by doing' and no exams.



Highly practical course with 'learning by doing' and no exams.



Develop excellent advocacy skills through civil and criminal file work.



Access to career support services through graduate placement and career advisor.

Ilzamarie Evans

Edith Cowan University

Leo Cussen's practical legal training course exceeded my expectations on almost every level. The excellent quality of mentorship, support and feedback I received throughout the course as well as their 'hands on approach' helped me gain the required understanding, knowledge, skills and practical experience to enter the workforce.

“The mentors at Leo Cussen go out of their way to make the process as pleasant as possible”

The course required us to run a number of client files simultaneously as well as cover various areas of the law such as property, commercial, civil and criminal law.

This provided me with an opportunity to explore various areas of the law which I found very interesting as well as how to effectively manage my time whilst keeping my clients informed and happy. In addition, Leo Cussen provided us with excellent topic materials that set out all the basics as well as the processes involved when running a client file. I've used these materials more than once after completing the course, in my actual workplace.

The mentors at Leo Cussen go out of their way to make the process as pleasant as possible. They are all very friendly, helpful, enthusiastic and professional people who all share a common interest in making their students ready for the workforce. I enjoyed every moment of this course and feel part of the Leo Cussen family.



For more info visit:
www.leocussen.edu.au

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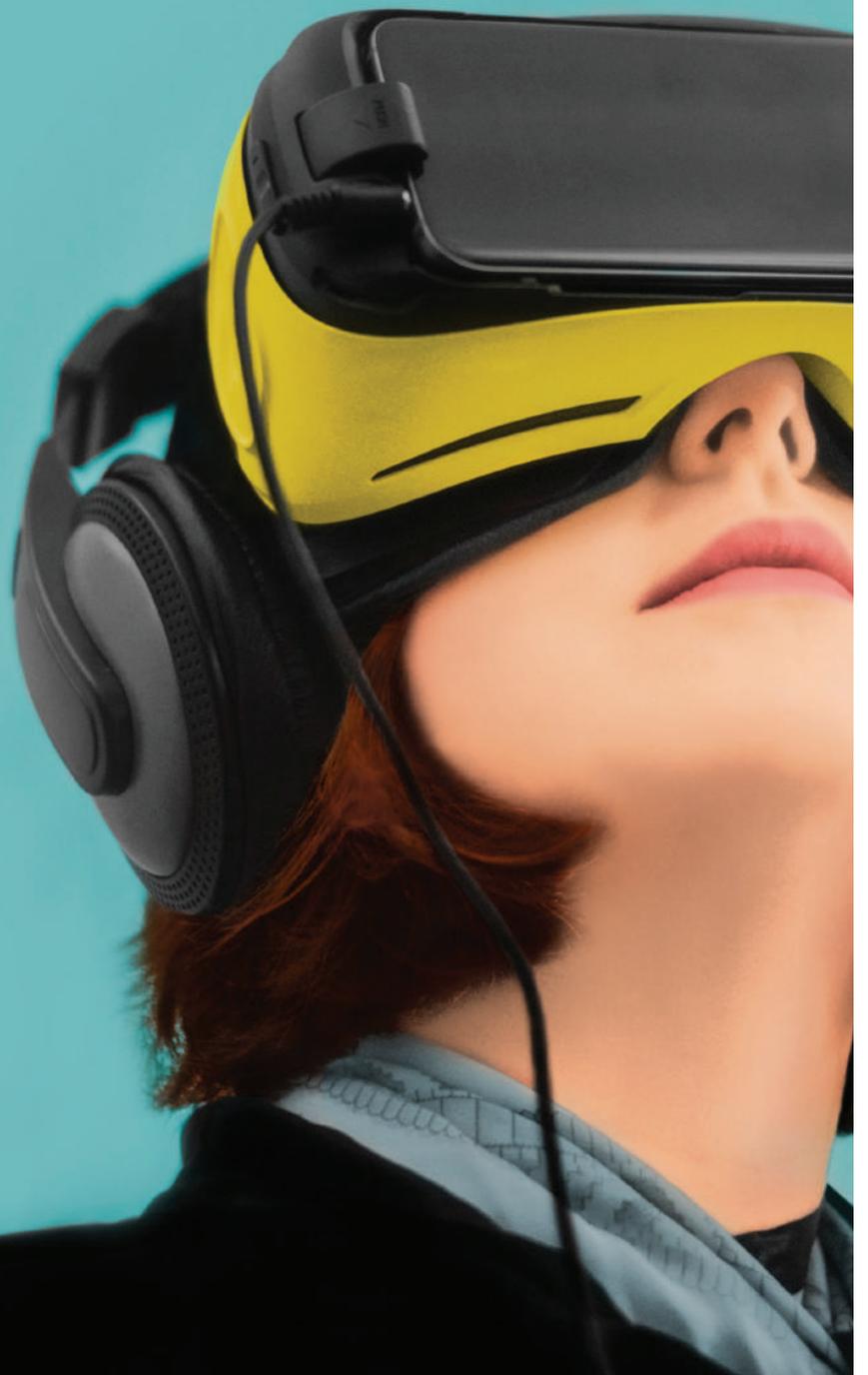
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Western Australian Practical Legal Training with the Leo Cussen Centre for Law: A snapshot of the course

Sue Kee, WA Mentor and Lawyer BA (Hons) LLB (Hons) MAICD

The Leo Cussen Centre for Law WA Practical Legal Training (PLT) Graduate Diploma offers law graduates a blended on-line and face to face learning opportunity, with course throughput mentor support. The PLT course combines an on-line specialised platform, with three strategically timed (beginning, middle and end) face to face intensives, all of which are professional practice oriented with an emphasis on advocacy.

Leo Cussen's PLT learning environment is designed to ensure law graduates will be adequately equipped with the practice skills needed to successfully transition from graduate student to junior lawyer, upon being admitted to legal practice.

A glimpse into the Leo Cussen experience

Day 1. Leo Cussen PLT trainees arrive at 8.30am at an upmarket CBD venue for the first of 3 face-to-face intensives. This initial intensive is the longest and runs into the weekend. Trainees have been provided with pre-course instructions and reading materials and are expected to have prepared for the face-to-face intensive.

Day 6. Trainees are being tested. A week of instruction and it is the weekend and they are still going.

Over the previous two days trainees were instructed by a local barrister and a solicitor advocate on advocacy. In pairs, as witness and prosecutor, the trainees were required to get up on their hind legs and adduce evidence in-chief and perform cross examination in a mock court room before a mock-judicial officer in a criminal matter. The facts were drafted by a well-known barrister now elevated to the bench.

Day 6 is the introduction to the first third of the file work - commercial litigation, criminal defence and a residential property conveyance. The trainees are introduced to the business side of legal practice - they are issued with their trust account materials - and instructed on lawyers' all-important retainer and costs disclosure obligations.

Some examples of the activities Leo Cussen PLT trainees engage in

X P/L is a small business providing retail products to consumers. X P/L has a contract with a local supplier of the goods. A dispute arises between the parties for alleged breach of contract. After attempts to resolve the dispute fail, the parties descend into litigation in the Magistrates Court.

Trainees are junior lawyers who act for a party. They open a file, prepare a retainer and costs disclosure. They seek, and obtain, instructions from their client. They run a file with minimal supervision from their supervising partner who goes on leave just as they start legal practice.

A snapshot of the course continued...

Their Leo Cussen mentor provides ongoing value free guidance and support to assist them in their day to day junior lawyer legal practice.

The lessons Leo Cussen is able to teach

Transition from law graduate to junior lawyer is challenging. Leo Cussen's PLT does not shy away from this fact of legal life experience.

When a junior lawyer opens a file, what do they have to cover off from a legal profession business and risk management perspective? Have they done a conflict search? Have they prepared a retainer and costs disclosure? Has the client placed money in trust? Have the correct trust account records been generated? What is the limitation period for the matter? How is it determined? Has a back-up lawyer been allocated? These matters are the bread and butter of legal practice risk management but law school doesn't grapple with these practice requirements, so they are challenges Leo Cussen PLT trainees must transcend.

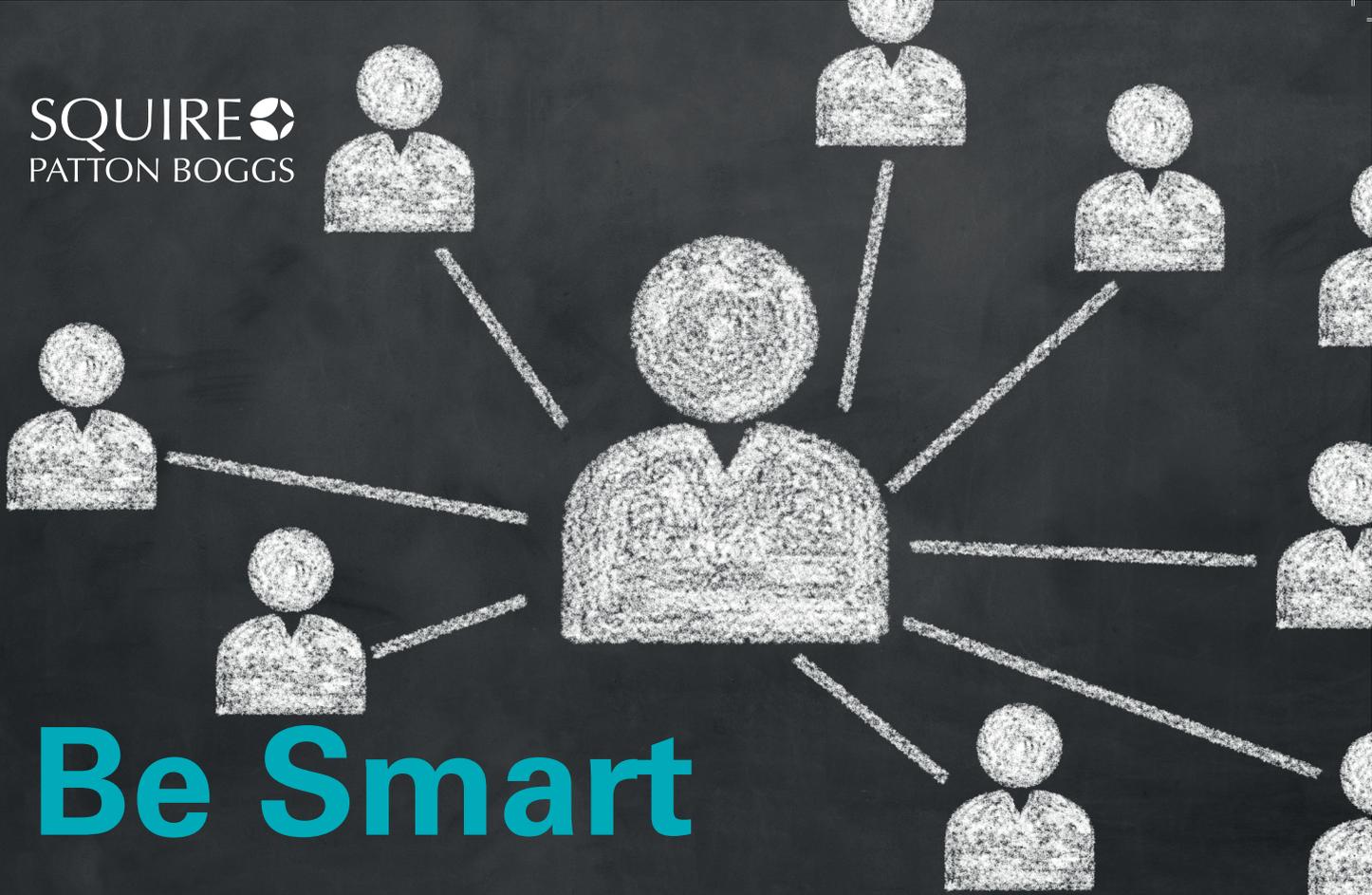
"How do I calculate GST?", think the trainees. "Do I divide by 10 to find out the GST component of a fee estimate inclusive of GST?" (no, it is 11 explains their mentor).

Promoting best practice, the trainees are required to engage in pre-litigation critical document exchange. Trainees must communicate with their opponent to narrow the issues in dispute. Many trainees embraced this opportunity to explain the weakness in their case to their opponent, as an opening for a without prejudice negotiation conceding a significant counterclaim from their client's opponent.

"No" thought the mentor, explaining that the lawyer's role is to advance their client's interests.

Narrowing the issues in real dispute doesn't mean a point that is forensically weak on the available documentary evidence has to be abandoned immediately. It offers the trainee insight into whether another source of evidence, such as a witness, may assist their client's case (or confirm that an aspect is hopeless and should be dropped).

As one trainee concluded, I see now - even though my opponent has the same documents that doesn't mean they can see the merits of how to advance my client's case.



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Maggie Quach

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To ensure that you don't miss out on any event that may be of special interest to you, make sure you've joined your academic year group on Facebook. The groups are run and maintained by your NDLSS Year Representatives:

Tom Crellin (1st Year Representative)

Tayla Ward (2nd Year Representative)

Remi Rodari (3rd Year Representative)

Kendra Turner (4th and Final Year Representative)

Meg Green (Mature Aged Student/Postgraduate Representative)

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