

A degree does not a lawyer make

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The legal landscape is rapidly evolving. In the past decade, the technological climate of the modern world has transformed – and in response – so have the world’s professions. Computers can fit in shirt pockets and document service can be performed by the click of a ‘send’ button. Law has long been renowned for its reverence of tradition and intellect; proven through hundreds of pages of case notes scattered over desks and bookshelves overflowing with statutes. This image of law as an industry drowning in paperwork and filled with exhausted business people is expired. The 21st century is bringing with it a new generation of lawyers and a revolutionary legal culture, emphasising new values and attributes that empower lawyers to achieve success.

A modern lawyer’s skills extend beyond what is attained in a classroom. They must be engaged in their career, conscientious of their conduct and insightful to the concerns of their client. Education provides an imperative foundation for an excellent lawyer – but in 2017, excellence requires more than a degree. A modern lawyer must invest in their own development, understand their client’s needs and be willing to question the certainties that surround them. A lawyer in 2017 is resilient, adaptable, empathetic and sceptical.

Resilience

“She stood in the storm and when the wind did not blow her away, she adjusted her sails.”
– Elizabeth Edwards

Whether a practitioner spends their days representing clients in a courtroom or in an office drafting contracts, the work is often intensive and issues are often important. The concept of representing another individual in matters significant to their lives can present a stressful burden to the psyche of a lawyer. There are growing trends in the international legal community of innovative techniques being employed to ensure balance is maintained in the lives of legal professionals, including compressed working weeks (four days’ work with longer hours, resulting a three-day weekend), in-office rest spaces, meditation sessions and mental health education.ⁱ

It is widely recognised that the legal profession is an often high-pressure and competitive environment. Reports indicate that in Australia, at least 33 per cent of lawyers are experiencing depression or anxiety at any one time, a jarring figure that was largely neglected by a culture of masculinity and ignorance for much of the 20th century.ⁱⁱ Contemporary society, however, is bucking the trend of sweeping mental health issues within the industry under the rug. Law societies, legal education providers and often law firms themselves are emphasising the importance of mental health and wellbeing – offering confidential counselling, information resources and resilience training. The College of Law Queensland, an educational institution offering practical legal training (PLT) courses, has implemented a mandatory seminar on mental resilience in new lawyers as part of their Graduate Diploma in Legal Practice program.ⁱⁱⁱ This represents the industry’s acknowledgement of mental health concerns within the profession and a proactive approach in addressing them. Increasing resources, access to support and education within a profession that historically, has vastly under-recognised the value of mental health in its practitioners, is contributing to a new value in modern lawyers: resilience.

Adaptability

“It is not the strongest or most intelligent that will survive, but those who can best manage change.”
- Leon C. Megginson

The value of adaptability is a relatively recent discovery to society. Charles Darwin’s seminal text *On the Origin of Species* highlighted the necessity of adaptability in the most fundamental of senses when he concluded that the key to a species’ long-term survival was their flexibility in response to changing environmental conditions. Since the acceptance of Darwin’s hypothesis, adaptability has become a popular and treasured quality of the human character; and, in 2017, adaptability in a professional context is more important than ever.

One must only refer to modern technology and the hurdles it is presenting to traditional techniques in the ride-sharing industry: consider the dilemma of ride-sharing phenomena such as Uber and Lyft. As technology continues to advance and expand into new markets, predecessor practices find themselves increasingly redundant. Taxi companies are struggling to attract business in the face of more attractive, innovative competitors. This applies to the legal industry in much the same way as in the transport industry: technology is changing the rules. No longer do we read and tab the rule book, we look it up online and key-word search it. The reality is that whilst it may be resisted by some, technology is contributing to efficiency; both in time and cost, for lawyers and their clients. Title searches can now be conducted on a computer and meetings can now be held over webcam. Research is indicating that firms embracing innovation are reaping the rewards, too. Finalists of the 2016 Legal Innovation Index Awards, Gilbert + Tobin, have instigated a professional development program which focuses on teaching lawyers basic coding.^{iv}

Firms embracing innovative systems such as cloud-based computing and other dynamic NewLaw processes are shifting the culture of the legal industry and encouraging modernization and creativity from their lawyers. Adaptability is not only critically important to the professional success of lawyers, but also contributes greatly to a lawyer’s wellbeing and capacity for resilience. A lawyer in 2017 is receptive to updates – not only on their computer – but in their workplace culture.

Empathy

“All advocacy is, at its core, an exercise in empathy.”
- Samantha Power

One of the hallmark attributes of human sentience is empathy. The ability to understand, through insight and perception, the emotions and beliefs of another individual is a quality that a modern lawyer must invest in developing. The socio-political climate of the western world is at current, volatile, and the nature of client communications and lawyers’ conduct must reflect and respect this sensitivity. Gone is the era of brute ignorance towards what is ‘politically correct’ – a culture that once was dominant in professional industries such as law. In 2017, social justice movements are gaining increasing airtime and demanding recognition in the professional arena. A lawyer in 2017 understands the value of practicing empathy in their communications and respect in their interactions.

Social justice campaigns in the Australian work sector such as the Australian Government’s *Workplace Gender Equality Agency* and *Pride in Diversity* echo the emerging principles of 21st century law. Equality for all persons is not only necessary when considering the treatment of clients, but internal parties, too. Employers such as Allens, KPMG and Maddocks and Holding Redlich, have implemented inclusive strategies such as LGBTIQ+ alliances and gender equality awareness programs to ensure diversity is fostered and supported in the workplace.^v

Empathy is not only vital to social justice and respect in the boardroom. It is also a facilitator of insight, flexible perception and creativity – a catalyst for argument development and effective communication. A lawyer’s ability to relate to the environment around them can translate into stronger business relationships, a more positive workplace and improved wellbeing.

Scepticism

“*Modest doubt is call’d the beacon of the wise.*”

- William Shakespeare

The ability to objectively assess and question something that is regarded as a certainty is an invaluable skill. In 2017, scepticism does not represent ignorance or dismissal of beliefs or tradition. Scepticism represents a healthy inclination to question – a readiness to dismantle a principle in order to validate it. In contemporary society, lawyers are often tasked with the responsibility of promoting reform or challenging statute. Where legislation in Australia is regarded in many respects as outdated, the responsibility of developing the arguments that will see appeals succeed and laws amended falls on the shoulders of lawyers and their ability to advocate for change through legal proceedings.

Where would Australia be if not for scepticism? How would this country operate today if no one had been sceptical about antiquated legislation and practices that were once commonplace, and often discriminatory and oppressive to many factions of the Australian community? The seminal case of *Mabo* is one shining example of scepticism of a legal principle that once ruled supreme: *terra nullius*.^{vi} Lawyers are in a unique position: they understand legislative instruments. They can process the potential legal implications of the wording of a statute. And their advocacy can affect real and lasting change. Where there is scepticism, there is objectivity, the potential for positive reform and innovation.

Scepticism is fascinatingly interrelated with the concept of adaptability. When adaptability is not in operation, commonplace practices are not questioned. What is accepted and routine is left undisturbed for the sake of habit. As societal norms evolve and socio-political issues demand rectification through change, those who are not adaptable to the expectations outlined by modern politics stand to fail. If one is not willing to challenge and be challenged, they cannot justifiably be steadfast in their position. Thus, a lawyer in 2017; an advocate and changemaker, must approach everything with a healthy dose of scepticism.

In 2017, a lawyer is more than a compilation of legal knowledge. They practice empathy in their interactions, invest in developing personal resilience, are willing to challenge the norm and are ready to respond to change. Law schools and course providers around the country are quickly noticing the value of these traits as essential to a modern lawyer. Institutions are providing resources dedicated to building resilience in their students and utilising cloud-based and online class systems – a relatively new educational concept that is fast becoming the primary mode of education for various course types (such as PLT). Lawyers are learning the ways of new-age technology and firms are investing in becoming adaptable and contemporary in their practices.

A law degree is certainly the foundational element of a lawyer’s understanding and practice of the law. However, one must only reflect on the active steps all stakeholders in the legal industry are taking to ensure the profession remains current and proficient in a changing world. NewLaw firms are changing the norms of practice and the industry is responding to the demands of the political climate with innovative measures to foster diversity and inclusivity in the workplace. No longer does the *Mad Men*-esque image of lawyers ring true: in 2017, a lawyer is an advocate, an individual with an obligation to conduct themselves with the highest level of social responsibility and a person not afraid to ask the difficult questions. A degree does not a lawyer make.

ⁱ Joanna Mather, 'Law partners opt for four-day work week', *Australian Financial Review* (Business), 29 June 2017.

ⁱⁱ ABC Radio National, 'Law report', *Lawyers and depression*, 5 April 2011 (Damien Carrick).

ⁱⁱⁱ College of Law, *How resilience is helping lawyers beat the blues* (6 November 2016) College of Law <<https://www.collaw.edu.au/news/2016/11/14/how-resilience-is-helping-lawyers-beat-the-blues>>.

^{iv} Rebecca Lim, 'Cultivating innovation in a risk-averse legal industry', *Thomson Reuters Legal Insight* (online), 28 April 2017 <<http://insight.thomsonreuters.com.au/innovation-risk-averse-legal-industry/>>.

^v Justin Whealing, 'How the other half lives', *Lawyers Weekly* (online), 12 March 2014 <<https://www.lawyersweekly.com.au/opinion/15190-how-the-other-half-lives>>.

^{vi} *Mabo v Queensland [No 2]* (1992) 175 CLR 1