Working Paper

Oversupply of Graduates

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# The changing graduate market and the changing role of legal education

ALSA concerns itself with the welfare of Australian law students, and, in examining that role, often we asked to the question the state of the employment market in both a strictly legal sense and legally-related sense. One thing stands clearly to mind whenever you speak to a law student about the current state of their degree; their employment prospects. This creates a difficult dilemma. On one hand, students are being encouraged, through the increased participation of the firms in student life, to apply for one firm over another. Alternatively, on the other hand, students are constantly facing the reality of the graduate employment market, that there are not anywhere enough jobs to facilitate the huge, and frankly increasing number of graduates. In this paper, one will explore both the reality of the employment market, the many ways graduates themselves have managed this problem, and the possibilities that having a law degree can afford one.

# What’s going on?

Law is a competitive field. There is no way to skirt this, it is the simple reality. The entrance requirements for high school graduates to simply be accepted into a law degree shadow those of other qualifications. This pattern continues through university. Most law schools implement fierce marking scales for law students, students feel as a sense of competition that many disciplines do not, and there is an abnormally high ‘drop-out’ rate. This continues into entry into the profession, with average annual rate of roughly 13,000 graduates (which is indicated to be increasing), entering a profession with only 66,000 practicing lawyers. It would be a disservice to act is as if law students were not facing a tough slog.

# Why get a law degree then?

One of the biggest issues facing law students at the moment is not necessarily their employability in a legal market, it is, however, the fact that many students do not understand the full benefits of possessing a law degree outside of the traditional corporate legal career path. Law degrees impart on their bearers a multitude of practical and academic skills that can be used for a huge number of disciplines. This flexibility is what keeps the law degree as a viable career option despite the crisis within the profession.

For example, few other academic disciplines impart the same level of analytical problem solving skills that a law degree does. Legal education exists in a very certain way; students are presented with a series of rules, in both a legislative and case law sense, that have varied applications based on extents of conduct. Students are then required to assess these extents and come to a conclusion of likelihood based on a mixture of solid precedence and hypothetical analysis. This ability to apply rules without hard and fast conclusions to variety of different scenarios, and analyse why the results differ is applicable in a variety of fields, such as analysis and consulting.

Another key part of legal education is understanding policy; specifically the social, political and economic justifications of rules, and them comparing how the hypothetical ideal compares to the practical reality. Law schools across Australia have begun shifting the focus of legal education from the traditional ‘black letter’ focus, towards highlighting the importance of the theory behind law making, specifically the justification and reasoning of law’s and their effect on governance as a whole. This has a variety of applications outside of legal practice. For example, various governmental agencies, particularly those such as the federal and state crime commissions, require employees to assess the policy outcomes of legislation and other decision-making. The greater understanding of concept of jurisprudence is key to understanding the justification and subsequent effect of these types of activities, and render law graduates attractive candidates for these positions.

Finally, success in the legal discipline requires and develops an ability to control language in the pursuit of advocating for a desired result. Advocacy, both in a written and verbal manner, forms the central core of legal education. However, its application is not limited to legal work, conversely, the ability to advocate conveys widespread benefits on students. This ability to advocate can be used in any form of transactional work as a way of negotiating; forming an argument representing ones issues and conveying them in a sense that renders them as compatible with the needs of the other party. This ability enables students to be able to represent the views of another as their own, and to enter the mindset of another in order to best further a cause that may not be personal to them. The development of this ability also develops ones control of language, ability to express oneself concisely, clearly and eloquently. These skills can have application across any number of career paths; anything that requires transactional knowledge, client representation, and drafting documents, as well as a number of other instances.

# Conclusion:

ALSA would recommend that law students should take a step back, and reflect on the positives of their education. All around us, we are being bombarded with the doom and gloom that is a less than ideal graduate to graduate job ratio, rather than reflecting on how we hold the keys to our destiny, whilst possessing a varied and extensive set of skills and experience that comes about from a legal education. The time has come for us to start thinking more laterally rather than literally about what we as law students are fully capable of contributing to any position. What is the first step towards achieving that? A positive attitude.