

Pettifogger

The Advocacy Issue



Your Story, Your Career. Be the Whole Lawyer.

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Discover Australia's
leading PLT program.



The legal profession is evolving. Clients and employers are not only seeking legal professionals with technical expertise, but lawyers who are empathetic, adaptable, creative and ethical. That's why we've updated our Practical Legal Training (PLT) program to give law grads the skills to confidently enter the legal profession and thrive.

The Whole Lawyer

Four professional capabilities are taught and developed throughout our PLT program to help you become the whole lawyer - technical capability, human skills, character, and adaptability.

The skills you'll develop within each of these four professional capabilities are designed to help you be successful and confident in your legal career from day one.

Technical Capability (TQ)

will enhance your ability to work with clients across a range of entry level practice areas. With the support of expert legal practitioners, you'll run simulated client matters to learn essential legal and business skills, processes and procedures to work effectively with clients.

Human Skills (EQ)

are critical for effective client interaction, negotiation, and advocacy. Through immersive learning and an optional industry secondment, you'll fast track your journey to becoming an empathetic lawyer with advanced emotional intelligence.

Character (CQ)

helps you to become a values-driven and self-aware lawyer, acting with integrity. Explore ethics, professionalism and reflective practice through a program of mentoring lasting 20-weeks full time or 30-weeks part time.

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has the power to transform you into a curious and creative legal thinker, capable of adapting to diverse circumstances and needs. Leo Justice Lab will set you up with legal tech awareness, critical mindsets and collaborative problem solving skills, to become a leading innovator in the future of law.

In this issue

- Hear from the incoming ALSA President, who happens to be one of TULS' own.
- Get information from our sponsors, including how to build advocacy skills.
- Learn about building advocacy experience in intervarsity mooting
- Get the details on the recent Enduring Courts in Changing Times Conference
- Read a recap on this year's highly successful mooting workshops



Lucy Milne

Incoming ALSA President



On the 30th of July 2023, on Gadigal country in Sydney, the Australian Law Students Association held their Annual General Meeting in which the 2023/24 Committee was elected. I am pleased to announce that I was successfully elected as the President of ALSA for 2023/24. During the AGM, prior to the vote, there was significant discussion in relation to two motions that TULS put forward: the first regarding increasing ALSA moots to 4 preliminary rounds and the second about creating a tiered ticketing system to ensure equitable access to the national conference. These motions proved more divisive than I first anticipated and I knew that they had either won or lost me the election.

My campaign consisted of a minute and a half speech on my experience and leadership qualities and then I answered three questions from the outgoing ALSA committee. I would like to thank everyone who put their faith and their votes in me; I wouldn't be in the position without the support of TULS and the Law School community more broadly.

The Australian Law Students' Association ('ALSA') is a national not-for-profit organisation, serving as the peak representative body for law students in Australia, and the voice of 40 student organisations and over 40,000 students nationwide. ALSA acts in the interests of law students through advocacy, education, skills development and thought leadership. It is my mission as ALSA President is to ensure that engagement with the association increases and is valuable for all law students. I plan on working closely with each Law Student Society or Association President (across Australia) and help give them a voice in their respective universities and states. I also want to increase access for rural and regional universities and their students by ensuring equitable access to ALSA activities and the National Conference.

In 2024, ALSA will be hosting their National Conference in lutruwita/ Tasmania. This is an exciting opportunity for our law students as we will be put at the epicentre of the national stage. Once again, TULS will send a team for all of the ALSA competitions; Negotiations, Client Interview, Witness Examination and the International Humanitarian Law and Championship Moots. Keep your eyes peeled for information from the Competitions Team about how you can get involved! This will be a great opportunity to network with other law students from across the country as well as the ability to show some Tassie pride.

There is also an ALSA Conference Subcommittee which UTAS students are encouraged to join to get a behind the scenes look at what goes into running a national conference and getting your foot in the door with ALSA. If you're interested keep your eyes peeled on the ALSA socials or send an EOI to conference@alsa.asn.au.



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ALSA Red Cross International Humanitarian Law Moot

Zack Stephenson



Earlier this year, I competed in the ALSA Red Cross International Humanitarian Law Moot at the ALSA Conference in Sydney, and it was an extremely valuable experience that I would recommend to any law student.

Anyone that knows me will attest to the fact that I've had a bit of a mooting addiction throughout my degree. This moot was the fourth intervarsity moot I competed in, but it will be the last because I am graduating this year (I hope). However, I was keen to sign up for one final moot and go out with a bang because the other three had been online thanks to COVID, and competing in person is a vastly different experience. While I advocate for mooting in general, I would particularly recommend competing in person because there is nothing else quite so nerve-racking yet rewarding.

The moot concerned two crimes in the International Criminal Court; the deportation of civilian populations and attacks against civilian objects causing environmental harm. I dealt with the first issue while my co-counsel, Kate Cosgrove, dealt with the second. Henry Southcott was our solicitor, so he was required to be across both! I originally had very little experience with international law in general, let alone humanitarian law, having only touched upon it in the international law core unit two years prior. However, moots require you to take on a lot of information extremely quickly, regardless of your pre-existing knowledge. It is for this reason, among others, that I believe they are one of the best ways to learn the law. For example, despite having very little knowledge of humanitarian law prior to the moot, I am now doing my honours project on the same issues that I argued on in the problem. These issues happen to be the same ones present in Russia's invasion of Ukraine, my focus for honours, which shows the real-world application of the problems explored in mooting.

After six weeks of frantic research and writing of submissions, we jetted off to Sydney to compete at the ALSA conference. On the first night of the trip, ALSA hosted a cocktail that also happened to be on a superyacht, which everyone on the trip will confirm I was just a tad excited about. My team and I then competed in two (a surprisingly controversial number) preliminary rounds and then nervously awaited the results to know whether we had gotten through to the quarter-finals. At the break night, which was another cocktail, we found out we had gotten through and were competing the next morning. This, of course, meant that we could not stick around for the refreshments, and we instead went back to the hotel to work on our arguments. Fun! Just kidding, we were super glad to have gotten through and were keen to thrash some mainland universities in the finals.

We got up bright and early the next morning, ate some bad eggs, and got ready for the quarter final. Kate and I had also both gotten sick at this point (thanks Jesse), so we were feeling a little tired at this stage. The quarter-final was, as expected, a lot more demanding than the preliminary rounds. All of the competitors who broke were of a high standard, one-judge benches became panels of two or three experts, and they were not afraid to grill us about our arguments. I faced challenges to my submissions that had not come up in any of our practice moots or the preliminary rounds. My team will tell you that I was pretty sure we had lost the quarter-final, but to my surprise we had broken through to the Semis! We were actually listening to a lecture by the former justice of the High Court Michael Kirby at the time, so I hope he wasn't too offended when all the winners immediately left to work on their arguments. We also had about half an hour between finding out and the next round (thanks ALSA), so we were mildly stressed.

After another tough moot with three Red Cross experts on the bench and a small quibble with the other side about where the prosecution sits, we had completed the semi-finals. I was reasonably sure we had won this round and was keen to progress to the grand final in the Federal Court building, but unfortunately, we just missed out. This proves a fact that I was already painfully aware of, which is that you can never control what the judge will do and the qualities they will look for. Regardless, my team and I did not expect to get as far as we did and were incredibly happy to make it to the Semi-finals. Getting knocked out also meant we could take our first day of rest for the whole trip, and also the first day in two months that I did not have to look at the law!



On the final day of the trip, we had the awards gala at the Sydney botanical gardens, and yes, there was an open bar. We then heard the results of the awards across all of the competitions, and I will take this opportunity to congratulate Chloe Winkler, who won Spirit of the Competition for witness examination. The next day, we all headed back to the apple isle. I was a little sad to go back to reality but also ready for a juice cleanse, and to try and make some much-needed headway on my coursework for Semester 2. Overall, this moot was my favourite one that I have competed in because of the content and the fact it was in person (don't come for me UNSW team). I could not have done it without my team, our coach Kevin Toman, and UTAS's mooting expert Anja Hilkemeijer. I would highly recommend the moot to any law students who are keen to develop their advocacy skills, especially if you have an interest in international humanitarian law.

Tasmanian Legal Practice Course

The Tasmanian Legal Practice Course (TLPC) is a unique Practical Legal Training (PLT) course with access to outstanding support from the legal profession, judiciary, and magistracy for practical skills training, including weekly appearances in our Courts.

The Course is recognised nationally as providing excellent quality training and offers an intense practical experience unlike any other PLT program.

A focus on Advocacy

As part of your practical legal training at the TLPC you will regularly appear in the Supreme Court and Magistrates Court to complete advocacy exercises before Tasmanian Judges and Magistrates.

In the Magistrates Court, you will learn how to seek an adjournment, apply for bail, deliver a Plea in Mitigation and conduct a hearing amongst other scenarios.

During Supreme Court appearances, you will be required to appear on "applications" that relate to the progression of a civil litigation file through pre-trial procedures. You will prepare and file court documents and receive feedback on these and your advocacy from several Judges including the Chief Justice.

From our 2023 graduates:

"As someone wanting to practice criminal law, the appearances in the Supreme Court were the most beneficial part of the course for me and the element of the course I would most highly recommend to others"

"Arguably my favourite of all the units! I didn't know I wanted to be an advocate until I got the chance to get on my feet!"

"I thoroughly enjoyed the interaction between us as students and the Magistrates, Prosecutors and Defence lawyers and found their advice to be integral to my knowledge about appearing in the Magistrates Court"

2024 Tasmanian Legal Practice Course

Where could it take you?



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Ashurst

Brandon Draper, Graduate



Hi there! My name is Brandon and I am a Law Graduate at Ashurst. I completed a Bachelor of Laws (Honours) and Psychological Science at La Trobe University in 2022. Throughout my academic journey, I participated in numerous moots, ranging from internal moots to international competitions.

My Experience

In my second year, I commenced my internal mooting experience with the Junior Moot focused on torts and found myself keen to participate in more. I subsequently participated in the Witness Examination Competition, Senior Moot (Contracts), Criminal Law Moot and Client Interview Competition. Externally, I was a finalist in the 2020 Vis International Commercial Arbitration Moot, where our team ranked first in the general oral rounds, and I competed nationally and internationally in the 2021 Jessup Moot.

Mooting was undeniably the highlight of my academic years. It enhanced my public speaking ability, fostered deep connections with peers, and deepened my legal understanding. It's a tool that bridged theoretical concepts from class to practical application, something not often covered during regular tutorials. Reflecting on it now as a law graduate, I can attest to its pivotal role in shaping my foundational skills in advocacy, particularly during my first rotation in the Dispute Resolution team at Ashurst.

Key Tips and the Importance of Mooting and Advocacy

Confidence is indeed persuasive! Mooting taught me to trust in my hypothetical client, believe in my arguments, and most importantly, have faith in my capabilities. This confidence-building has been a cornerstone of my growth as a legal professional.

Mooting competitions are more than just simulated court sessions; they offer law students a unique platform to nurture essential skills. They teach you to think on your feet, craft persuasive arguments, and develop a keen understanding of various legal concepts. Engaging in such competitions instils a sense of discipline, teamwork, and determination. Advocacy, in particular, is a craft that requires practice. Being able to represent your client's best interests, understand the nuances of the law, and articulate your arguments clearly are all skills that are honed through mooting.

For me, participating in moots laid the foundation for a successful transition into a commercial firm. It's not just about the law – it's about the art of communication, the strategy behind choosing your battles, and the delicate balance of negotiation and persuasion. As I progressed through my graduate rotation in the disputes team, the experiences and learnings from mooting were invaluable. I could effectively sift through extensive information, identify key issues, and present them in a concise and coherent manner.

I used to urge fellow students to dive into mooting, irrespective of their year level or experience. Now, as a law graduate, I emphasise this even more. The benefits are manifold, and the experience is truly enriching!

Emily Heathcote

Enduring Courts in Changing Times



On 8 September 2023, I was lucky enough to find myself on a plane to Sydney (Gadigal land) for the Enduring Courts in Changing Time Conference. After a brief exploration of Sydney's CBD, I changed and headed to the New South Wales Supreme Court's Banco Court for the Conference's opening address by the Hon Chief Justice Susan Kiefel AC. Remarkably, this marked her last public address before her early retirement in November. Her honour welcomed us to the Conference by highlighting its historical significance. She explained the event aimed to commemorate the shared milestone of both New South Wales (NSW) and Tasmania; the bicentenary of their Supreme Courts. She explained the history of the Courts and their origin, namely through their establishment by the Third Charter of Justice of 1824.

Throughout the Conference, a lively debate ensued regarding whether Tasmania or NSW could lay claim to having the first Court established under this Charter. Her Honour seemed to lean towards the Tasmanian Supreme Court, citing its earlier opening date, 10 May 1824, while the NSW Supreme Court opened ten days later. This disparity can be explained by the relevant Letters Patent arriving later in NSW than in Tasmania. The Hon Andrew Bell CJ of the NSWSC, in his speech at the Gala Conference Dinner, attempted to argue that Tasmania was a part of the NSW colony at the time, and thus the establishment of the Tasmanian Supreme Court was merely an extension of NSW's Supreme Court. In the alternative, he attempted to argue that Tasmania's Supreme Court had to change its name from the 'Supreme Court of Van Diemen's Land' in June 1825, whilst NSW had not had to change their name ever. Despite growing up in NSW myself, I thought this reasoning fell short of convincing me, and am inclined to believe that our Court was indeed the first, as proudly stated on the Tasmanian Supreme Court website.

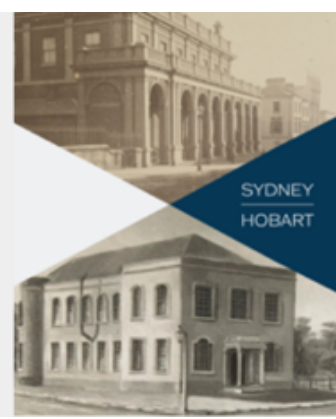
**ENDURING COURTS
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8-10 September 2023

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Beyond this historical squabble of who's Supreme Court was first, there were many fascinating aspects to this Conference. Speakers included Bowskill CJ of the Queensland SC, Professor Appleby, Emeritus Professor David Barker AM, the Honourable Beech-Jones J of the NSWCA, the Honourable Virginal Bell AC and SC, Lucy McCallum CJ of the ACT SC, the Honourable Ward J, and some Tasmanians! Emeritus Professor, the Honourable Kate Warner AC, and our beloved UTAS Professor Tim McCormack appeared via Zoom to comment on papers presented on the interaction of the Courts and First Nations peoples, through the lens of their tabled report Pathway to Truth-Telling and Treaty. Kate Warner further presented a paper on Criminal Justice: Then and Now in the context of Tasmanian criminal law. Malcolm Schyvens, the current president of TASCAT and UTAS graduate, also delivered a speech.

A highlight of this Conference was the focus on the law and its impact on Indigenous peoples in Australia. We had the privilege of hearing from Professor Val Napoleon, Dean of the Canadian University of Victoria, and its' double Juris Doctorate of Civil Canadian Law, and Indigenous Legal Orders (JD/JID); the first of its kind globally. Our 'cousin' from across the pond Hon Sir Joe William KNZM graced us with a performance of the Hakka. He told us of the power of Indigenous law and customs in the case of Maketū Wharetōtara and its utilisation in the avoidance of intertribal war. He also warned that we must all remain vigilant and not allow the practice of acknowledging country to become a cliché or 'box to tick'. This focus on Australia's First Nations people is important, especially in the political context of the upcoming Voice Referendum and the recent claims by Eddie Cubillo of institutional racism at the Melbourne Law School. Overall, this was an amazing event that I have been significantly enriched by attending, despite it causing me to be a little behind in my studies!



STAY TRUE.



Amna Parvez
Lawyer, 2022
Graduate Program

Staying true to your direction is what defines Clayton Utz.

We've built a very special culture that sets our firm apart - but don't just take our word for it.

A good lawyer needs compelling evidence - so hear what Amna has to say about her experience with us.

WE DO.

Working as a graduate lawyer at Clayton Utz

I came into law from a health science background and did not know the legal industry as well as most law students. So, when it came to clerkships applications, I felt quite lost about which firms to apply to. I found large commercial law firms intimidating and wondered whether they would be the right fit for me. Further, I found the clerkship application process of many firms to be strenuous and anxiety inducing which also shied me away. I applied for a clerkship at Clayton Utz because a fellow law student was working at the firm as a paralegal at the time and had a very positive experience. Clayton Utz had a pleasantly simple application process and provided thorough support during the interview stage by appointing each interviewee a buddy. I was fortunate enough to be offered a position in 2020's Summer 1 Clerkship Program.

Summer 1 Clerkship Program Experience

As a clerk, I was warmly welcomed by the people at Clayton Utz. Everyone was friendly and had a down to earth personality. I was given interesting and challenging tasks and provided plenty of support and feedback. I did not feel intimidated or out of place at all as I had feared I would. After my clerkship, I continued at Clayton Utz as a paralegal in 2021 and then started as a graduate lawyer in 2022.

Graduating and Starting as a Lawyer at Clayton Utz

Graduates at Clayton Utz start their career with a two-week PLT workshop and a week-long orientation program that is attended by all national graduates. My orientation program occurred during the COVID-19 border closure period, so I attended my orientation in Perth. However, graduates normally go to Sydney for orientation week. During orientation week graduates spend plenty of time together which really kickstarts team bonding and work friendships. This makes the graduate social events and daily work life a lot more fun. Some of the social events my graduate cohort attended included a paint and sip class, mini golf and graduate dinners.

Practice Areas and International Opportunities

Clayton Utz is a leading independent Australian law firm. However, it has strong working ties with many international law firms and clients. This makes Clayton Utz lawyers well equipped for international working opportunities and external secondments. The Perth office has a wide range of practice areas including Commercial Litigation, Restructuring and Insolvency, Corporate M&A & Capital Markets, Real Estate, Environment & Sustainable Development, Banking and Finance, Workplace Relations, Employment & Safety and Major Projects & Construction – there is something for everyone! These practice areas open doors for graduates and lawyers to transfer their career into any sector and direction.

Graduate Program Structure

What sets the Clayton Utz graduate program apart from others is that it offers graduates three six-month rotations instead of the industry standard of two rotations. Graduates who have an interest in a wide variety of areas of law or those who are looking to explore their options are well suited for this type of structure. My first rotation was in Restructuring and Insolvency, a practice group for which Clayton Utz is the industry leader. Currently I am on my second rotation in Major Projects and Construction where I have worked with many international clients. Both rotations have involved incredibly fulfilling work with hard working and motivated team members.

Dedication to Pro Bono Work

Another reason why Clayton Utz stands out for me is because of its dedication to pro bono work. Currently, Clayton Utz is the only leading Australian law firm with a separate Pro Bono practice led by a Pro Bono Partner. It is also the law firm that consistently provides one of the highest pro bono contributions in the industry each year. As a graduate, I was given a pro bono matter to work on. I was also seconded to Law Access to provide pro bono legal assistance to the not-for-profit. I really value this dedication to vulnerable members of the community and take pride in the pro bono services of the firm.

Overall, my time at Clayton Utz for the past 2.5 years has been incredibly rewarding and enjoyable. It has significantly changed my perspective of what it is like to work at a large commercial law firm. I highly recommend everyone to apply for a clerkship at Clayton Utz.



claytonutz.com/graduates



Ava Drew

TULS mooting workshops - it's a wrap!

The 2023 mooting skills workshop program has come to an end! It has been a successful year with 18 students receiving participation certificates endorsed by our Dean, Professor Gino Dal Pont, and many others joining us along the way. Several students have also gone on to represent the UTAS law faculty in upcoming national intervarsity competitions, which is wonderful. It has been a privilege to conduct the mooting workshops this year. The engagement has been fantastic and I have really enjoyed seeing everyone's development. I wish the best of luck to students competing over the coming weeks, and give a big thank you to our faculty mooting coordinator, Anja Hilkmeyer, for all her support in helping our teams prepare.



Student Testimonials

...The workshops are also a very welcoming and inviting environment to be in, and whether you've mooted before or barely know what mooting is, these workshops reach everyone... They are a great opportunity to engage with other students and to expand and strengthen writing and advocacy skills whether in preparation for a moot or in general. So, if you're able to, I'd highly recommend you get along to any mooting skills workshops offered!

Overall, Ava's mooting workshops have been a fun and insightful experience into mooting, the benefit of which is astounding. They help me feel more confident generally in pursuing my degree, whether that be in making legal arguments (especially verbally) or my writing and structure of written arguments.



Mic Drop!

Boom. This is the sixth Pettifogger, which means it is the last issue for 2023! We have had a blast running the Pettifogger this year. Thank you to our subcommittee, people that have made contributions, the TULS committee, and all of our loyal readers. Don't worry though, we will see you soon in the Advocatus... xoxo, Zack and Jo.



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