

How “work-ready” are today’s law graduates?

The views of 15 city employers

Natalie Baird and John Caldwell, University of Canterbury, discuss the views of employers on the work-readiness of New Zealand law graduates

INTRODUCTION

In an earlier issue of this journal (see [2016] NZLJ 170), we reported on insights gained about the recruitment process for law graduates from interviews conducted with 15 city employers, both law firm and non-law firm. This article is related, focusing this time on the observations of those same 15 employers on the “work-readiness” of New Zealand law graduates.

Priority One of the New Zealand Tertiary Education (TEC) Strategy 2014–2019 provides that a key goal for tertiary education providers is “to ensure that the skills people develop in tertiary education are well matched to labour market needs”. In order for law schools to respond meaningfully to the TEC strategy, and so to workplace needs, it is therefore important to ascertain the perspectives of those who have recently employed law graduates. With this in mind, the Canterbury Law School’s Socio-Legal Research group, which is undertaking an aligned longitudinal study into the experiences of the 2014 first year cohort of law students at Auckland, Canterbury and Waikato law schools (see <www.laws.canterbury.ac.nz/longitudinal/longitudinal%20index.shtml>), is currently engaged in a research project looking into the views of employers on the work readiness of New Zealand law graduates.

In 2015, 15 city employers were interviewed to gather employer perspectives on the skills which recent law graduates bring to their workplaces, and the additional skills which employers wish them to have. The interviews were conducted in the cities of Auckland, Christchurch and Wellington, and we selected a range of law firm and non-law firm employers to interview. The employers interviewed comprised three large law firms, three medium law firms, one small law firm, two corporate employers, two central government employers, one local government employer, two community law centres and one appellate Court Judge. We record our thanks to Air New Zealand, the Canterbury Community Law Centre, Chapman Tripp, the Christchurch City Council, Deloitte, the Government Legal Network, Lane Neave, Minter Ellison Rudd Watts, the Ministry of Foreign Affairs and Trade, Russell McVeagh, Saunders Robinson Brown, Taylor Shaw, Wynn Williams, YouthLaw Aotearoa, and an appellate Court Judge for generously agreeing to provide their time to the project. Consistent with the granting of ethics approval from the University of Canterbury

Human Ethics Committee, the employers were provided in advance with a list of prompt questions, and were assured of the confidentiality of their responses.

This article considers these employers’ observations and reflections on the work-readiness of New Zealand law graduates. It explores the strengths and weaknesses of today’s law graduates, considers whether some graduates are more ready for work than others, looks at what employers themselves do to help graduates transition into the work place, and briefly considers what more law schools could be doing to meet employers’ expectations of graduates before they are sent out into the legal world.

THE BIG PICTURE

By and large, most of the employers interviewed were reasonably satisfied with the work-readiness of their law graduates. To the extent that there was dissatisfaction, this appeared to perhaps be more apparent with smaller organisations which inevitably devoted less time and resources to their recruitment processes. As noted in our earlier article, larger employers are able to invest considerable time and energy into their recruitment processes, and — perhaps as a result — tend to be more content with who they ultimately end up employing. That said, one large employer did express some dissatisfaction with its graduates, noting it is “probably easier in the nature of our business to find weaknesses rather than praise”. That outlier aside, in general, the employers interviewed were mostly happy with their graduates, and, where shortcomings were identified, typically saw it as the employers’ role to help graduates develop in these areas - to put the icing on the graduate cake as it were.

WHAT ARE THE STRENGTHS OF TODAY’S LAW GRADUATES?

Employers were asked to identify the strengths of graduates across the three broad areas of knowledge, skills and personal attributes. In terms of knowledge, most employers identified that graduates had a sound legal knowledge base, with a strong subject matter knowledge of the subjects they had taken.

As for skills, most employers identified strong research skills as a key strength, although some deficiencies were identified. One employer noted that “some seem to be able to get away without actually knowing what a library is” and

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another commented that graduates were a bit “wedded to the electronic ... you don’t get enough reading around on a topic ... the old fashioned, let’s open up the books and read through and see what you can get”. There was also a tendency to rely on secondary sources such as text books and commentaries. As bemoaned by one employer, “they have not even read the cases referred to”. A large law firm employer noted that while research skills were good, they did improve significantly once graduates found themselves in a real world environment — one thing summer clerks “almost say universally to us at the end of the twelve week summer is ... that their research skills have really gone up another step and that’s probably partly because you’re doing it for real and partly because you have professional librarians ... who can really spend time one on one with you ... we suddenly give some real world perspective to their research skills”.

Around a third of employers identified critical analysis skills and writing skills as a strength. However, as is noted further below, writing skills were also the key area of concern or area for development for most employers. Around a third of employers also identified the verbal skills of graduates as good, with one noting that this was something that had improved in recent years, and another describing today’s graduates as “wonderfully eloquent and expressive”. A handful of employers also referred to the high level of computer literacy of today’s graduates, with one noting that they are very “IT savvy”, and another referring to the ability of their graduates to use social media for social justice projects. A number of employers also identified various soft skills as strengths, noting that graduates were good team players and very collaborative. For those employers for whom these skills were especially important, graduates were also described as being comfortable with cultural diversity, and very globally aware.

In terms of personal attributes, a number of employers were deeply impressed with the extent of extracurricular activities that law graduates fit into their lives. Today’s graduates were described as “amazingly talented young people”. Many employers also appreciated the passion, enthusiasm and excitement that graduates brought to the workplace, with one noting that they bring “tremendous energy” and another commenting that “they are pretty fearless — they tend to be up for just about any challenge”. One employer referred to graduates’ “massive desire to be the lawyer, to be the representative [of] truth, justice and the New Zealand way of life”. Graduates were also regularly described as being highly motivated and having a positive attitude, perhaps reflecting, as one employer noted, today’s “global religion of positivity”. A number of employers were also impressed with the adaptability, flexibility, “coachability” and general willingness to learn of their graduates.

WHAT ARE THE WEAKNESSES OF TODAY’S LAW GRADUATES?

Most employers did not use the terminology of “weaknesses” as such but, reflecting the fact that employers typically accepted that it was part of their role to develop their graduates, referred to what one employer termed “areas for development and that’s quite a different emphasis”.

In terms of knowledge, and as noted in our earlier article, there was a division of opinion as to whether the absence of particular subjects on a student’s transcript was a weakness or not. Two employers explicitly bemoaned the lack of commercial and company law knowledge in some graduates,

with one noting that the number of graduates who had not done company law “astounded” him. However, other employers felt graduates could acquire the requisite knowledge base on the job, with one noting that it expected universities to have trained students with a set of skills rather than subject matter, and so “we discount the content of what they have done almost entirely”.

As for graduates’ skills, the most common weakness identified by employers was writing skills. Although one employer noted that she was “pleasantly surprised” at graduates’ writing skills, nearly all other employers had concerns with aspects of graduates’ writing skills. These concerns fell into three broad areas. The first and primary concern was around the need for plain English, for “crisp and concise” writing. One employer noted that graduates need to “stop writing jargon, take out the clichés and remove the padding”. Secondly, there were concerns with basic, traditional skills such as spelling, syntax and grammar. A number of employers explicitly mentioned the lack of awareness of the passive voice and the possessive apostrophe. One employer commented that graduates would “not know the possessive apostrophe if it jumped up and bit them”. The third area of concern was around the need for graduates to think about their audience and tailor their writing style accordingly. For example, graduates in law firms need to be able to write client letters, which involves not only writing succinctly, but also providing practical advice. As noted by one employer, “we need a conclusion not an essay”.

A second weakness in the skills of today’s graduates was the inability to identify the legal issues in a scenario. A law firm employer noted that graduates struggle with being given a file and then identifying the relevant legal issues. There is limited ability to “think laterally, to think about the law, this whole body, to think about it as this coherent whole as opposed to thinking about a series of individual courses or blocks”. This was also identified as a weakness by two non-law firm employers. One noted that graduates “quite often come with a kind of blank expression on their faces and say ‘I don’t know where to start with this’ [and so] they do need to be pointed in the right direction to start with”. Another described this as a difficulty in “unpacking the issues they need to respond to”. One employer suggested that part of the problem here could be that “very little of the way we are taught law is the way we practice law”. In addition, graduates needed to understand that in the workplace “we actually use the law to build stuff up as well [as] wrecking it down”. In essence, the concern was that while graduates often had good knowledge of the law in a particular area, they did not necessarily know where or how to begin when faced with real world problems, and struggled especially when faced with scenarios which ranged messily across a number of previously discrete areas of law.

Another shortcoming identified as problematic by some employers was the short attention span of today’s graduates, including the inability to undertake a sustained piece of work. There was a tendency to jump to conclusions, with graduates seeking “fast answers” rather than “well considered answers”. Related to this was the fact that today’s graduates were often not comfortable with ambiguity. As noted by one employer, today’s graduates were “profoundly uncomfortable with the lack of certainty” in the law.

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One non-law firm employer identified a future challenge as “the increasing decomposition of legal tasks and, conversely, the increasing expectation upon lawyers to undertake peripheral tasks”. This employer, referencing the work of Richard Susskind (*Tomorrow's Lawyers*, Oxford University Press, 2013), noted that project management of large-scale or complex matters is a skill which will be increasingly relevant. For example with the advance of artificial intelligence software, more administrative and drafting legal tasks will be undertaken by programmes or other professionals, and so one of the skills needed by law graduates will be the ability to project manage this type of work.

In terms of personal attributes, six employers commented on a lack of resilience amongst today's graduates. One non-law firm employer noted that they need to come to the workplace “expecting it to be tough”. A large law firm employer noted that “coming from the top of the tree to the bottom of the tree is a really hard transition for them”. Another law firm employer noted that “people are less inclined to cope with feedback than perhaps they once were”. One non-law firm employer referred to a lack of resilience in “dealing with grumpy lawyers on the other side of a dispute”, while another identified a lack of resilience in “managing files which can take a high emotional toll”. Interestingly, three non-law firm employers identified resilience as a strength of their graduates, perhaps suggesting that there is something about the law firm environment in particular which today's graduates find especially challenging.

A handful of employers also noted that today's graduates can be a little self-absorbed or selfish. One noted that some graduates have “an expectation that within months they'll be in the High Court arguing a nice point of law”. Another observed that some graduates tend to think only about themselves, their day and their workload. This could result in selfish demands on other people's time, such as the time of a shared secretary or administration assistant. Another employer noted that graduates get “employment shock ... at about six months, they are exhausted and they are like ‘but I haven't had four weeks off’”.

Four employers identified time management as challenging for some graduates, particularly communicating with managers about time management issues. Some graduates did not know when to stop looking at an issue and might “go round in circles, for pages and pages and pages”. Other graduates worked too hard and found it difficult to achieve a good work/life balance.

ARE SOME TYPES OF GRADUATES MORE READY FOR WORK THAN OTHERS?

Employers were asked whether they found any appreciable differences in the work-readiness of graduates of a particular gender or culture, whether they found Honours or double degree graduates better equipped for the work place, and whether they had a preference for graduates of particular law schools.

In terms of differences according to the gender of graduates, two-thirds of employers identified that male graduates were typically more confident, but not as competent or as thorough, as female graduates. One employer described female graduates as having “negative perfectionism”. Another noted that “female graduates are generally more thorough and are generally smarter ... but they lack confidence and that carries on all the way through [their careers]”. Another employer phrased it slightly differently noting that female graduates

“don't have the expectation that they'll be leading the pack within days ... less sense of entitlement to a flash office, flash job and important title”. On the other hand, young men were described as being “overconfident [and] don't ask enough questions, don't pull back”. One law firm even noted that “we will lower our standards for the guys just to make sure we're getting a reasonable number through [to the interview stage]”. Male graduates were also noted as being better negotiators at performance review time, and “more likely to approach us for a practising certificate earlier ... more likely to say they deserve it and more likely to say what he is working on is beneath his skills”.

In contrast to the quite notable gender differences identified by a number of employers, fewer differences were identified in terms of the cultural background of graduates. Most employers had no comment to make, noting that they either had no or insufficient experience with graduates of a minority background to comment, or had not noticed any significant differences in terms of readiness for work. For those employers who had employed Māori graduates, no differences were identified in terms of work-readiness. Pasifika graduates were described by one employer as “very well trained ... quite formidable graduates, [but] can still tend to play the role of a bit of a wallflower when they don't really have any reason to”. Asian graduates were noted by a couple of employers as tending to be more diligent, organised and humble. Another noted that an Asian graduate's “family were part of it as well and so you developed quite good relationships with the family coming into the business as well because you knew that was important”. Language skills were identified as an issue for graduates who spoke English as a second language. One law firm employer noted that “those that come from a different background and English isn't their first language, we will steer away from ... [because] nuances of language are so important in law”. Another raised a similar language-based concern that a student who might be very strong in written language might be less comprehensible in her or his oral communication, and that this would pose real difficulties for clients. Otherwise, cultural differences in terms of knowledge, skills and attributes of graduates were mostly not obvious, at least to the employers interviewed. One law firm employer put it this way: “anyone who isn't European/Pākehā in our office is European/Pākehā with a different colour skin” while another asserted that “the most dominant culture in a law firm is the law”.

Many employers valued graduates with a double degree. Although it was not pinned to explicit performance in the workplace, employers commented that a double degree generally “shows curiosity”, “gives you a less rigid approach”, and suggests an “intellectual breadth” or “broadness of mind”. Some employers found that graduates with a Bachelor of Commerce were very useful for their workplace, with one large law firm employer noting that those with an economics or finance degree “seem to start with a better base of knowledge”. Others preferred graduates with a Bachelor of Arts, with one employer noting “that just tells me they've done a wee bit more thinking [rather] than [just] technical work”.

Two-thirds of employers were of the view that Honours students were no better equipped for the workplace than non-Honours students. Of more interest to most employers were good grades, and so, as discussed in our earlier article, Honours might be a filter or a proxy for good grades, but

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Honours students were not necessarily sought out. Three employers did prefer Honours students, with one noting an appreciation for the extra training and experience in research which Honours students received. One employer had however had a bad run with Honours students in the past and so tended to avoid them — “it was that lack of practical application and getting stuck on the academic argument ... that can be really great and interesting but we might not be necessarily giving the client what they want and if you spend hours and hours and hours on a point that is not actually vital to the question, we can't charge the client for that and it's a big waste of time”. Again, employers were identifying the importance of graduates making the transition from the academic environment to the real world, practical environment.

Finally, and perhaps somewhat brazenly given our own affiliation with one particular law school, we asked employers whether they had a preference for graduates from any of the six New Zealand law schools. Many employers did identify some difference in graduates from the different law schools, however this was mostly in the area of personal attributes rather than knowledge and skills. For example, Otago graduates were described by one employer as having “resilience and real world experience” by virtue of having left home to go to university in contrast to Auckland students “who have lived at home through their degree”. Another employer noted, slightly flippantly, that “sometimes Auckland does not attract law graduates with a broad range of interests ... Otago may attract individuals with too many interests!” In general though, most — although not all — employers were of the view that the different law schools were “all within a stone's throw of each other”.

WHAT DO EMPLOYERS DO TO ENSURE THE WORK READINESS OF LAW GRADUATES?

As noted above, many employers accepted that it was part of their role to develop graduates as they transitioned from university to the workplace. All employers had some sort of initial induction program for new graduates, as well as ongoing training. Ongoing training included weekly or peer file review, participating in regular in-house seminars, sending graduates on a presentation skills course, getting graduates in a litigation team to participate in an internal moot, and attending external continuing professional development courses. Some employers also offered training tailored to the individual when needed. For example, one large law firm employer sends its graduates on a company law course if they have not taken company law at university. Many employers, both law firm and non-law firm, were very clearly of the view that “[t]he most effective and intensive training is simply working with a senior person”. As noted by one law firm employer, “working in private practice is an apprenticeship so you learn by doing and you learn by watching others do to a large extent”. Most employers typically found graduates to be very coachable, and as noted by one “most of them train up well I would have to say”.

WHAT MORE SHOULD LAW SCHOOLS BE DOING TO ENSURE THE WORK READINESS OF LAW GRADUATES?

These insights from employers have provided much food for thought as to what more law schools could be doing to ensure that graduates are work-ready. Given that, as one employer noted, “80–90% of lawyers' work is writing”, a

key issue is improving the writing skills of graduates to better match employer needs. While most employers seemed to accept that it was part of their role as first professional employer to develop graduates' writing skills, it is nevertheless arguably something of an indictment on the LLB degree, not to mention the primary, secondary and tertiary education systems more generally, that graduates still have so much room for improvement in terms of their writing skills. Possibilities for development here might include more focus at the early stages of the LLB degree on basic writing skills, and a continued emphasis throughout the degree on the importance of strong writing skills. As well, consideration could be given to requiring students to develop writing skills of a kind that will be of more direct relevance for the workplace. For example, as well as writing an academic essay, students might also be encouraged to write an executive summary or a client letter based on the conclusions reached in the academic essay.

Another possibility for law schools to address the weaknesses identified in the knowledge base of graduates would be the inclusion of more compulsory courses in the degree. Company and commercial law were mentioned most often by the employers interviewed as courses which should perhaps be compulsory. Law schools could also consider the introduction of a compulsory “capstone” course. This is a course which students would take in the last year of their degree which aims to integrate knowledge and skills gained from across the entire degree and provide a bridge for transitioning between university and the workplace. It could be instrumental in addressing (in part) some of the deficiencies in the writing skills of graduates, but also responding to some of the other weaknesses identified by employers, such as identifying legal issues in a complex factual scenario. Such courses are now offered at some Australian law schools and seem a likely potential future development in New Zealand. Careful consideration would need to be given so as to minimise the potential overlap and duplication with the professional legal studies courses. The current growth in practical training, clinical programmes and internships in law schools is also likely to assist in better preparing graduates for the workplace.

Finally, today's law graduates, and indeed today's lawyers and law schools, need to be prepared for the rapidly changing landscape of the legal profession more generally. As noted in a recent report by the Clayton Christensen Institute for Disruptive Innovation, “[t]he legal industry is now in the early stage of disruption — and there is a corresponding opportunity for disruption to emerge in legal education” (Michele R Pistone and Michael B Horne *Disrupting Law School: How disruptive innovation will revolutionize the legal world* (March 2016) at 3). What (different) knowledge, skills and attributes might law graduates need in the workplace in the next five years, ten years or twenty years?

CONCLUSION

Later this year, we intend to conduct a wider online survey of employers to explore whether these findings from our interviews of 15 city employers are reflected throughout the profession and across the country. We will then analyse what more New Zealand law schools could be doing to improve the work readiness of today's graduates. If you are interested in participating in the survey, or wish to share your thoughts on the work readiness of today's law graduates more generally, please contact Natalie Baird at Natalie.baird@canterbury.ac.nz or John Caldwell at John.caldwell@canterbury.ac.nz. □