

Hall & Wilcox research regarding the review of the current Continuing Professional Development (CPD) program in Victoria

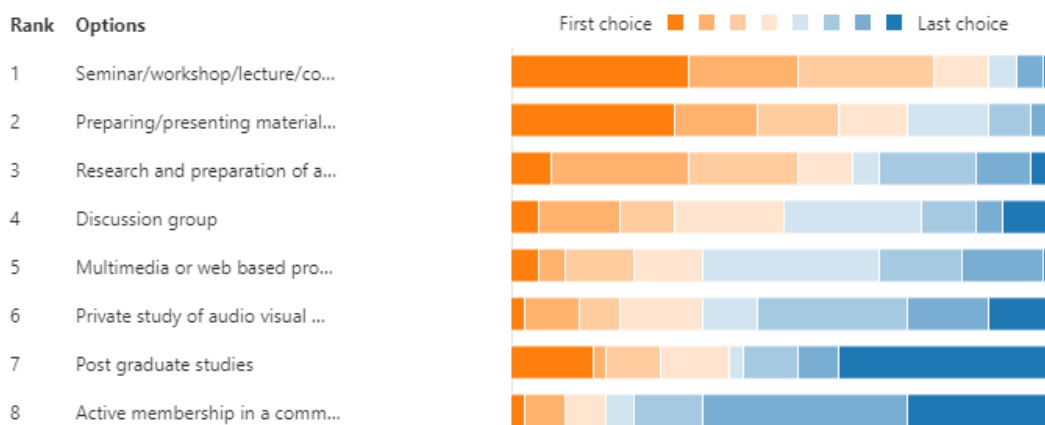
Our approach

We asked our Victorian Practitioners to complete a survey, which was a summary of the main VLSB consultation questions.

Findings

1 What type of CPD activities do you consider improve your skills the most, eg seminar, workshop, webinar, private study, discussion group, other?

- Face to face events like seminars were ranked 1st (32.5%)
- Preparing and presenting CPD materials was ranked 2nd (30%)



2 Do you think that undertaking CPD in each of the areas of Ethics & Professional responsibility, Professional Skills, Practice Management & Business skills, and Substantive law is useful to maintain or improve your competence as a lawyer?

- 65% responded Yes

3 Do you think that the requirement to complete 10 hours of CPD per year is too high, too low or at the right level, or should practitioners be able to set their own learning & development goals without having a fixed target?

- 70% responded Just right

● Too high	5
● Too low	2
● Just right	28
● I'd like to set my own goal	5



4 Should the mandatory 10 CPD point requirement be retained, abolished or changed?

- 70% responded Retained
- 20% responded Changed
- 10% responded Abolished

5 Did you have any difficulty finding activities for any of the four prescribed areas? If so, which ones and why?

- 47.5% responded No
- 27.5% of respondents indicated Ethics was the most challenging.

See all comments **below**.

Ethics is a discrete topic and so it is the hardest to find (and the least run). I also find it odd that ethics includes issues relating to legal professional privilege.

Ethics is the most challenging but it is fine.

Ethics is repetitive and probably not necessary every year.

Substantive law. I think the firm could offer more CPD in this area.

Ethics is generally the final one on everyone's list. Other than that, I usually have no issues obtaining 10 CPD points from attending a combination of firm sessions and external sessions

Ethics - not easy to locate a session running on the topic, usually only one per year towards end of CPD year

I find ethics is always difficult to get and the seminars can be quite repetitive

It's very easy to find substantive law activities, there needs to be more of a focus for the other areas to make it easier to obtain the hours in all required areas.

Other than activities relating to the substantive law, there are less activities in the other areas and they are often repetitive and cover the same topic year on year, particularly Ethics & Professional responsibility

Professional skills - considerable overlap with other areas which often involve practical application of professional skills

No difficulties, felt as a new lawyer there was plenty of options to fulfil the required CPD hours.

Ethics & Professional Responsibility is probably the least obtained activity out of the four categories. I was fortunate to attend a VWL seminar on Ethics in Government to obtain the required CPD unit and also a firm

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seminar towards the end of the CPD year to obtain an extra unit against this category. There needs to be more activities for this category.

I usually have to go out of my way to source activities to obtain the required points for the Ethics area. I obtain points in all other areas throughout the year without much effort - simply by attending internal training sessions and webinars. However, there is not too much difficulty in sourcing activities for the Ethics area. In previous years, I have watched webinars available on the firm intranet and recorded this in my CPD log.

Ethics I often find the hardest to get points in, as it appears less people speak on that topic.

Ethics is harder than the others. There are fewer presentations/seminars aimed at this area.

All of them. It's not clear what I'm supposed to do, what's available to help me do it, when I should be doing them, who delivers them, and what the benefit is of doing a CPD unit.

No learning whatsoever, legal CPD is a tick-the-box- money making exercise. It does not benefit professional development or the profession.

Ethics and practice management/business skills are usually more difficult to find topics of interest. Although I usually do more units than required on the substantive law category, I usually only do the minimum required in these categories.

My firm provides all CPD, so I have no difficulty. Previously I was at a much smaller firm, and I felt like there was limited budget to do CPD, so I felt pushed towards cheaper, often (in my experience) lower quality options. I found that the cost of private CPD providers, such as Leo Cussens, was often regarded at my previous small firm as being very expensive and inaccessible. The CPD provided by the LPLC was very good, however, and affordable.

No. I find that Ethics & Professional responsibility is usually the least commonly available; however I've always seen multiple opportunities to complete this activity throughout the year.

Practice Management and Business Skills. Not sure why, perhaps less seminar options open to me.

No. I present at seminars regularly and we have a prolific training programme at the firm.

6 Are there any topics that you think should be included as mandatory topics for lawyers (eg technology/cyber security, sexual harassment)?

- 42.5% responded No
- 27.5% indicated cyber security training
- 27.5% indicated workplace behaviours training (sexual harassment, diversity and inclusion)

See all comments **below**.

Sexual harassment yes

Legal technology - electronic witnessing and execution of documents, e-conveyancing and the like need proper training and are becoming part of our day to day practices.

technology, innovation

Understanding billing obligations

Sexual harassment yes

Cyber security and workplace regulations.

Cyber security.

Cyber security Sexual harassment

Cyber security is a good idea

They would be interesting and worthwhile, but not perhaps not mandatory on an annual basis. Mandatory on a less frequent basis - eg every 3 years may work

Technology

I think more relating to workplace and professional conduct would be great. I think we can all do with a regular refresher in relation to sexual harassment, racial discrimination and workplace bullying. Further, agree that cyber security would be great considering the current advancement of technology.

Bullying Ethics

Cyber security, sexual harassment and bullying, conflicts, professional conduct rules and obligations.

Sexual harassment

cyber security would be a good one to include.

Cultural sensitivity training/working with clients from diverse cultural backgrounds. Client interviewing/client-facing skills/active listening/empathy. Accounting and business basics for lawyers - to help us understand our clients' terminology (eg profitability, bankruptcy, insolvency etc).

Technology Cyber security

Yes - technology/cyber security/privacy/protecting confidential information; workplace behaviour (eg bullying, sexual harassment, discrimination)

All lawyers should have some training on diversity and equality issues.

Sexual harassment and bullying (separately), especially in light of the Dyson Heydon revelations

Cyber security should absolutely be mandatory for lawyers.

Sexual harassment is a good idea.

Ethics.

7 Should CPD requirements be different for more experienced lawyers (15+ years PQE) and for less experienced lawyers (less than 3 years PQE)? If so, how?

- 62.5% responded No

See all comments **below**.

No, it seems odd to have different requirements. A lawyer is a lawyer. The things you learn in uni relate to substance, but it is still important to have regard (and training) as to its practical application.

No, I think consistency across the board is a good approach

No. I think junior lawyers should do more, but I don't think it should be mandatory.

Yes. Less experienced lawyers need more training. Ethics training is not necessary after about year 5.

Yes, more CPD points for less experienced lawyers.

I don't think so - junior lawyers are fresh out of law school so are arguably a lot more across the CPD topics than the senior lawyers!

Perhaps the less experienced lawyers should have a higher loading for skill and experience based requirements

Yes, I would like to think as my career develops that the CPD requirements change, and in the alternative as a new lawyer I think the more learning requirements the better.

It's probably easier to streamline the CPD requirements than have different requirements for lawyers at different stages of their career. Managing the requirements for tens of thousands of lawyers at different year levels would be quite onerous - for the lawyers, their employers and the LSC.

I think large firms manage to train their lawyers pretty well. I also think that mandatory CPD is low impact compared with other forms of learning

All lawyers should be subject to the same CPD requirements.

Perhaps the focus of the 10 hour should differ depending on one's PQE.

Yes - the more junior the higher the CPD requirement should be and vice versa.

Maybe - not sure. Maybe more experienced lawyers should have mandatory tech training.

Experienced lawyers should be encouraged to mentor. It is well known that mentoring has professional development benefits for both the mentor and the mentee. Participation in formal mentoring programs may be more attractive if the mentor receives CPD point recognition.

Highest for less experienced lawyers (more than 10 hours might be appropriate)

I believe CPD requirements are arguably more important for experience lawyers. Inexperienced lawyers are generally going through significant 'professional development' without going to the effort of satisfying the CPD requirements. I consider CPD requirements to be more useful for senior lawyers who are no longer benefiting from significant on-the-job training - and may otherwise have fewer opportunities to experience new ideas and assess their approach to practice.

No. I do not think we need to segregate the requirements. It should be up to the individual to choose the CPD that suits their needs.

8 What are the two most significant factors that prevent you from participating effectively in CPD activities, eg cost, employer, availability of activities, time, accessibility, quality, relevance, level of experience, other?

- 65% indicated time
- 47.5% indicated relevance/quality/interest in topics

See all comments **below**.

Availability and relevance.

Time Interest

Time and relevance

time and availability

Time and interest in available topics

Time, quality and relevance

Time and interest

Time and organised content.

Mainly a lack of time.

Being time poor

Time Relevance

Quality Time (but if the seminar is quality I would make the time)

Cost, time, relevance.

Time, and value (as opposed to costs) of the activities

Time, quality and relevance

Time and availability

Availability of time

Cost and accessibility. There's usually some really good external seminars but they cost \$ and I don't know if the firm will pay for those or if I would be required to pay. As they are usually more than \$100 it's not a cost I can justify out of my own pocket. I'm fortunate that at H&W they have seminars where I can claim CPD points.

Time poor

Cost, time and relevance.

Time and Quality of services

Time.

1) understanding what my obligations are/what courses I'm supposed to be doing; 2) quality of activities - perception that CPD is a tick-box activity.

The quality of CPD is appalling. Little or no learning is offered with huge time and cost burdens. Professionals should be responsible for their own learning.

Time, relevance

Part time work

I would like to be able to attend external seminars (in addition to our numerous in-house offerings) but many are very expensive

Availability and relevance.

Time

Cost and time

Time and relevance. To manage both of those factors, I prefer CPD activities which also satisfy other goals, eg providing training to junior lawyers, or expanding knowledge which is relevant to current matters.

Accessibility and relevance.

Time. Relevance.

9 How onerous do you find the CPD record keeping requirements?

- 52.5% said not very or not at all
- 25% said somewhat or extremely



10 If you think they are too onerous, please provide details of how they could be improved.

See all comments **below**.

Trust us

Greater automation

I don't understand the record keeping requirements. I thought the firm kept records for me.

A declaration by a lawyer should suffice. We can make declarations that are accepted by the Court, why not for CPD.

Lawyers are presently required to keep their own informal records of their CPD compliance and are required to produce those records if audited. Law firms can assist with more formalised record keeping, but lawyers can easily change firms which makes historical record keeping more difficult to track. It would be far preferable if lawyers could contemporaneously record their CPD activities directly with the LSB, and be able to check their CPD compliance online. This would decrease the resources required by the LSB in auditing compliance, and decrease the resources required by firms in keeping separate CPD records. Ideally, an approved CPD provider should be able to take records of attendance and upload those records directly to the LSB on behalf of the lawyer, without the lawyer having to take an additional record keeping step.

I think there should be a less onerous alternative to show that you attended something, such as a principal's signature on form which VLSB creates for the purpose

11 Do you think that a uniform VSLB competency framework, that described the necessary skills for legal practice, would help to create more useful CPD programs, internally and externally?

- 63% responded Yes

12 Please provide any additional comments.

I do not support the CPD regime. Professional development should be left to professionals. The LIV also has an inherent conflict as it profits from running and advertising CPD events

When working part time (3 days per week) can be difficult to accrue 10 CPD points - same as those lawyers working full time.

Ethics - Rather than lawyers choosing their own CPDs on ethics, it would be beneficial if the LSB ran compulsory (or quasi compulsory) ethics seminar(s) annually to address recent cases on ethical issues and/or trends in ethical and professional issues for lawyers. This would assist in ensuring that lawyers are receiving uniform training, and the right training, on important ethical issues. Practice management and business skills - I seem to receive a lot of invitations for 'practice management' CPDs that appear to really be sales pitches for legal software and products. Others are often about business marketing skills, which are often not very relevant to junior lawyers (who are not in a position to undertake independent marketing) or senior lawyers (who already have an established practice and client base). I think it would be good to see more of an emphasis on topics like mental health and work/life balance in this category. As noted above, I would advocate for formal mentoring activities (through a mentoring program run by an approved organisation) to be recognised with CPD points.
