



**LAW
INSTITUTE
VICTORIA**

2023 LIV Clerkship and Graduate Program Guidelines

**Providing consistency and fairness throughout the
recruitment process**

Contact

younglaw@liv.asn.au

www.liv.asn.au

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Guiding Principles

1 Objective

The LIV Clerkship and Graduate Guidelines (**the Guidelines**) are to provide the agreed framework for the dates and communication protocols for the making of offers for clerkships and graduate positions by signatory law firms and the acceptance of offers by law students to ensure consistency and fairness in the recruitment process.

The Law Institute of Victoria (the **LIV**) values the commitment that all signatories make towards ensuring compliance with the Guidelines.

2 Participation

- (a) Firms and organisations who choose to participate in the Guidelines (**Signatories**) will abide by the principles set out in the Guidelines including the Key Recruitment Dates (Schedule 1) for clerkship and graduate employment recruitment.
- (b) All Signatories agree to comply with all legislative requirements including those imposed by or otherwise required under the Victorian Charter of Human Rights and Responsibilities, the Equal Opportunity Act 2010 (Vic) and the Occupational Health & Safety Act 2004 (Vic).
- (c) Signatories who have entered sponsorship arrangements with disadvantaged students such as those employed under the Indigenous Cadetship Program or an equivalent program are, at the discretion of the Signatory, exempt from complying with the Guidelines in relation to those students.
- (d) A Signatory may withdraw from the Guidelines by providing thirty (30) days written notice of its intention to the LIV, the law faculties and law student societies at all Victorian law schools.
- (e) These Guidelines are in place to ensure fairness throughout the clerkship and graduate recruitment process. However, each Signatory is responsible for setting its own application processes and this aspect is outside the scope of these Guidelines and the LIV's involvement.
- (f) The LIV will maintain an up-to-date list of all Signatories (as set out in Schedule 2) which will be available on the LIV website.
- (g) These Guidelines will be reviewed (including Key Recruitment Dates) annually by the LIV and representatives of each Signatory, Victorian law school and Victorian law school student society.

Key Recruitment Principles

3 Signatories

- (a) Signatories will follow the Guidelines when making clerkship and graduate offers (as the case may be).
- (b) Signatories cannot require a candidate to accept or decline an offer, nor require a candidate to give an indication about whether an offer may be accepted or declined before the day by which offers must be accepted or declined.

4 Candidates

- (a) There is an expectation that candidates will be straightforward, honest, and sincere in their dealings with signatory firms and organisations.
- (b) There is an expectation that candidates will be clear and transparent with signatory firms and organisations with regard to their intentions including any change in circumstance that would prevent them from accepting an offer (for example, to apply for a Judge's Associateship position or further study).
- (c) Candidates must notify any relevant Signatory to which they have applied for a clerkship or graduate position of any change of circumstance, that would prevent them from accepting an offer, as early as possible in the recruitment process and no later than two (2) weeks before offers are due to be made. For example, a change in circumstance includes offers accepted for clerkship or graduate positions (including interstate positions) or a decision to defer study or complete further study.

Recruitment Process for Clerkships

5 Eligibility to apply for Clerkships

To be eligible to apply for clerkships a student must be in their final or penultimate year of study. Students who have already completed their law degree are eligible to apply, however applications will be accepted at the discretion of each Signatory.

6 Applications

- (a) Applications for clerkships will open and close on the dates set out in Schedule 1.
- (b) Each Signatory is responsible for setting its own application process and this aspect of the recruitment process is outside the scope of these Guidelines and the LIV's involvement.
- (c) Students are encouraged to familiarise themselves with the clerkship application process and policies of any signatory to which they are applying and allow sufficient time for lodgement of their application.
- (d) All interviews for clerkship positions are permitted to be conducted by electronic means.
- (e) An applicant who, due to "genuine necessity" will be unable to attend an interview during the interview period should apply to the LIV for permission to be interviewed at a date outside the application dates. "Genuine Necessity" will be determined on a case-by-case basis by the LIV. Applications should be made to the LIV Young Lawyers Manager in writing and include appropriate supporting documentation. Written permission is to be granted at the sole discretion of the LIV
- (f) Where an unforeseen error occurs in the lodgement of an application made pursuant to these Guidelines, the student may make a case for consideration to the relevant Signatory, but it is at the discretion of the Signatory concerned as to whether the application is accepted.

7 Offers

- (a) **Business Day** is defined as Monday to Friday.
Business Hours is defined as the period between 9am and 5pm.
- (b) A Signatory may make an offer of a clerkship to a student at any time during the offer period set out in Schedule 1.
- (c) Subject to paragraph 7(d), any offer of clerkship must remain open for a minimum period of four (4) Business Hours from the time the offer was made or until 10am the following Business Day for offers made after 1pm.
- (d) Students must not hold more than four (4) clerkship offers for a period of more than two (2) Business Hours.
- (e) All offers made pursuant to paragraph 7(b) of these Guidelines will be made by email. All email offers must detail:
 - (i) the terms of the offer; and
 - (ii) that the offer is made pursuant to these Guidelines.

Signatories are permitted to make follow up calls to offerees once the offer has been made by email

- (f) An offer made under these Guidelines applies to clerkships within a one (1) year period from the date of offer but can be extended in circumstances agreed between the student and the Signatory for a further one (1) year period if a student requests a deferral of the clerkship.
- (g) Signatories are not obligated to offer clerkships each year but if they do, they must follow the Guidelines.

Recruitment Process for Graduate Positions

8 Eligibility to apply for Graduate Position

- (a) Subject to paragraph 8(c), any offer made under these Guidelines relates to a graduate position commencing in 2024.
- (b) To be eligible to apply for a graduate position a student must have already completed their law degree or will commence their final semester in 2023.
- (c) Successful applicants who have already completed their law degree are eligible to commence their graduate position prior to 2024 by agreement between the law firm and the applicant.

9 Applications

- (a) Applications for graduate positions will open and close on the dates set out in Schedule 1.
- (b) Each Signatory is responsible for setting its own application process and this aspect of the recruitment process is outside the scope of these Guidelines and the LIV's involvement.
- (c) Students are encouraged to familiarise themselves with the graduate application process and policies of any Signatory to which they are applying and allow sufficient time for lodgement of their application.
- (d) All interviews for graduate positions are permitted to be conducted by electronic means.
- (e) An applicant who, due to "genuine necessity" will be unable to attend an interview during the interview period should apply to the LIV for permission to be interviewed at a date outside the application dates. "Genuine Necessity" will be determined on a case-by-case basis by the LIV. Applications should be made to the LIV Young Lawyers Manager in writing and include appropriate supporting documentation. Written permission is to be granted at the sole discretion of the LIV.
- (f) Where an unforeseen error occurs in the lodgement of an application made pursuant to these Guidelines, the student may make a case for consideration to the relevant Signatory, but it is at the discretion of the Signatory concerned as to whether the application is accepted.

10 Priority Offers

- (a) **Business Day** is defined as Monday to Friday.
Business Hours is defined as the period between 9am and 5pm.
Priority Offer is defined as an offer made pursuant to paragraph 10(b).
- (b) In accordance with paragraph 10, Signatories may make priority offers of a graduate position to the following students:
 - (i) Students who within the previous two (2) years preceding the date of making the offer referred to in this paragraph, have substantially completed a clerkship of at least two (2) weeks duration with the offering firm, either in Victoria or at

one of the firm's interstate or international offices or virtually; or

- (ii) Students who during the previous two (2) years and for a minimum period of ten (10) working days, have performed paralegal work for the offering firm, either in Victoria or at one of the firm's interstate or international offices or virtually.
- (c) Offers made pursuant to paragraph 10(b)(i) and 10(b)(ii) are at the discretion of the Signatory.
- (d) It is accepted that Signatories invite students to express their interest in being considered for a Priority Offer at the conclusion of their clerkship.
- (e) Subject to paragraph 10(f), Signatories intending to make Priority Offers are not permitted to interview market graduate applicants or to make offers or arrangements concerning market graduate applicants prior to making a Priority Offer.
- (f) Signatories are permitted to interview paragraph 10(b)(ii) Priority Offer candidates before making a Priority Offer.
- (g) The Priority Offers made pursuant to this paragraph can be made either in writing and/or by telephone on the dates and times set out in Schedule 1.
- (h) A Priority Offer must remain open until the earlier of acceptance/rejection in accordance with paragraphs 10(i) and 10(j) or 4pm on Wednesday 9 August 2023.
- (i) An applicant will not hold more than two (2) Priority Offers for longer than a two (2) hour-period.
- (j) An applicant must accept/reject any Priority Offer received within four (4) Business Hours of it being made.

For avoidance of doubt, Priority Offers made **at 1pm** must be accepted or rejected by 5pm on the same Business Day. Priority Offers made **after 1pm** must be accepted or rejected by 10am the following Business Day.
- (k) A graduate position can be deferred in circumstances agreed between the student and the firm for a further one (1) year period if the student requests a deferral of the graduate position.

11 Market offers

- (a) Except as provided in paragraph 10, Signatories may make offers of graduate positions to eligible students on the date and time set out in Schedule 1.
- (b) All offers made pursuant to this paragraph will be made by email. All email offers must detail:
 - i the terms of the offer; and
 - ii that the offer is made pursuant to these Guidelines.

- (c) Signatories will not make follow-up calls to offerees before 11am on the date of offer.
- (d) Except as provided in paragraph 10, an offer of a graduate position will remain open for a period of not less than twenty-four (24) hours from the time the offer was made or until 11am the following Business Day for offers made prior to 11am.

Signatories should make this known to students at the time of making offers in accordance with this paragraph.

- (e) A graduate position can be deferred in circumstances agreed between the student and the firm for a further one (1) year period if the student requests a deferral of the graduate position.
- (f) Signatories are not obligated to offer graduate positions each year but if they do, they must follow the Guidelines.

Schedule 1- Clerkship and Graduate Key Recruitment Dates

Definitions

Business Day is defined as Monday to Friday.

Business Hours is defined as the period between 9am and 5pm.

Clerkship Program

Date	Activity
No earlier than 9am on Monday 3 July 2023	Applications for clerkships open
No later than 11.59pm on Sunday 13 August 2023	Applications for clerkships close
No earlier than 10am on Wednesday 18 October 2023	Offers of clerkships can be made

Graduate Program

Priority Offers

Date	Activity
No earlier than 10am on Tuesday 8 August 2023	Priority offers can be made
No later than 12pm on Wednesday 9 August 2023	Priority offers close

Market Offers

Date	Activity
No earlier than 10am on Thursday 10 August 2023	Applications for graduate positions open
No later than 11.59pm on Wednesday 23 August 2023	Applications for graduate positions close
No earlier than 10am on Wednesday 4 October 2023	Offers for graduate positions can be made

Schedule 2 – List of Signatory Firms and Organisations

Signatory Firm	Clerkship Guidelines	Graduate Program Guidelines
<u>Allens</u>	Yes	Yes
<u>Arnold Bloch Leibler</u>	Yes	Yes
<u>Ashurst</u>	Yes	Yes
<u>Becketts Lawyers</u>	No	Yes
<u>Clayton Utz</u>	Yes	Yes
<u>Corrs Chambers Westgarth</u>	Yes	Yes
<u>Coulter Legal</u>	Yes	Yes
<u>Department of Families, Fairness and Housing</u>	Yes	Yes
<u>Department of Treasury and Finance</u>	Yes	Yes
<u>DLA Piper</u>	Yes	Yes
<u>Duffy & Simon Lawyers</u>	Yes	No
<u>Gadens</u>	Yes	Yes
<u>Gilbert + Tobin</u>	Yes	Yes
<u>Hall & Wilcox</u>	Yes	Yes
<u>Herbert Smith Freehills</u>	Yes	Yes
<u>HWL Ebsworth Lawyers</u>	Yes	Yes
<u>Johnson Winter Slattery</u>	Yes	No
<u>Jones Day</u>	Yes	Yes

<u>King & Wood Mallesons</u>	Yes	Yes
<u>K&L Gates</u>	Yes	Yes
<u>Lander & Rogers</u>	Yes	Yes
<u>Macpherson Kelley</u>	No	Yes
<u>Maddocks</u>	Yes	Yes
<u>Meridian Lawyers</u>	Yes	Yes
<u>Mills Oakley</u>	Yes	Yes
<u>MinterEllison</u>	Yes	Yes
<u>Norton Rose Fulbright</u>	Yes	Yes
<u>Office of Public Prosecutions Victoria</u>	Yes	Yes
<u>Rigby Cooke Lawyers</u>	No	Yes
<u>Russell Kennedy Lawyers</u>	Yes	Yes
<u>Sharrock Pitman Legal</u>	No	Yes
<u>Thomson Geer</u>	Yes	Yes
<u>Transport Accident Commission</u>	Yes	Yes
<u>Victorian Government Solicitor's Office</u>	Yes	Yes
