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Q&A: Pip Nicholson – “We like to think of this course as something that is contributing to the public good.”

In our Q&A, Professor Pip Nicholson*, Dean of the Melbourne Law School at The University of Melbourne, explains the rationale for launching a new leadership and management course for mid-career lawyers and tells us why she thinks a law degree is so valuable.

The Melbourne Law School will launch a new Specialist Certificate in Legal Leadership in August. What is the objective of the new offering?**

The course is aimed at enhancing the leadership and management skills of mid-career lawyers – those in law firms, in-house, working with government and across the legal sector.

What will the course cover and why is it needed?

The first subject is Management for Professionals, which will be taught by Joel Barolsky, a highly respected law firm consultant and Senior Fellow at The University of Melbourne. I worked closely with Joel in the development of a specialised pathway in legal leadership. Joel was inspiring to work with, bringing great insight to the challenges of training the next generation of legal practitioners, wherever they work.

Joel has consulted to many law firms and argues that the level of investment in developing general leadership skills is low, relative to other sectors, and it's often offered only close upon promotion to leadership roles. So the investment is not only slight, but perhaps a little too late. It's true that the very well-resourced firms invest more and earlier in legal leadership, but sometimes the investment may be used as a tool to reduce attrition. This new course is a way for firms to reduce attrition while also upskilling mid-career lawyers in a range of soft and structural skills of relevance across the legal sector.

The second subject is Legal Leadership Essentials, which will be taught by Anthony Kearns. Also a Senior Fellow at the university, he's based at Lander & Rogers and has also taught legal leadership extensively, including with the Harvard Centre on the Legal Profession.

Why do you think there has been this lack of investment in legal leadership within the profession?

I'd rather describe it as being an uneven investment. Well-resourced firms have increasingly put money into such initiatives, but it is often built in-house and this is an opportunity to establish a benchmark for what good legal leadership training looks like.

There's a range of factors explaining why the investment might be seen as uneven and less than in other equivalent industries. One is that lawyers are valued for their technical expertise, so there is a considerable investment by firms and partners working with more junior members of their organisations to hone and enhance their technical expertise. We don't want to see that diminished in any way. We offer a complementary program that could set someone up to thrive because they are technically expert and a good leader or manager.

In the past decade, clearly the legal sector have been interested in developing a range of complementary skills such as leadership, communication, project management and economic management, and we're just offering a way for that sort of training to be established with rigour. We hope to attract a group of highly motivated young professionals who really want to learn about these skills and issues, but with each other. The idea of creating peer networks is bedrock to this program.

You mentioned that greater legal leadership training could help cut attrition within firms, and presumably it may also assist with communication and management skills. What other benefits could it deliver?

Over the longer term, technical competency will be assumed as inherent in all employees, but we may see a different type of leadership emerge. Some employees may demonstrate leadership potential earlier than others and be able to be dual tracked, as a lawyer and a leader.

Creating a young working cohort who can engage in the strategic choices that firms are having to make over the medium to longer term is a good investment. I can see a cohort that can come informed to the table and be in discussions with partnership, or indeed be included in discussions by sectoral, leaders whether in-house, in government or in new law, about the future of the workplace and the future of the firm and the legal sector. That's a real asset.

We like to think of this course as something that is contributing to a public good around enhancing the capacity of our young to mid-career lawyers to be fully engaged in what their legal future will look like and what the practice of law will look like.

How crucial is the course and others of its ilk around the world in terms of their capacity to create networking opportunities for younger lawyers?

It's invaluable for an intellectual stretch to look at these leadership issues from other people's points of view, including people based across the globe. Through our course, we will have lawyers working in firms sitting beside lawyers working in-house, who will be sitting beside lawyers who will be working in government or the not-for-profit sector. They are invaluable networks and there's a real social and peer-to-peer networking dividend that is created by bringing people together. On that, however, the course will be taught virtually in 2021 as a result of COVID-19. That's foisted upon us this year because of the pandemic, but in 2022 all going well we'd expect to offer both a face-to-face and a virtual offering.

Are there long-term plans to expand the Specialist Certificate in Legal Leadership course?

We have plans for additional subjects so students can complete a Diploma and a Masters, the latter taught in conjunction with the Melbourne Business School.

You are a highly experienced international leader in your own right. What is good leadership?

I'd say, having weathered the past 14 months of constant unstoppable change, that the single greatest hallmark of a good leader is being steadfast in the face of tumult. Being adaptable is crucial, too. We can all adapt – we just have to be prepared to adapt.

Regardless of the sector, in Australia at this time we have seen extraordinary adaptation, which reflects well on leadership. What else? 'Strong' is a very gendered word, but 'unflappable' and 'strategic' are certainly important qualities for leaders, and I do think there's an incredible role for emotional intelligence when you're in a period that's causing so many people so much pain.

Leadership roles within the university sector must have been especially fraught given the impact that COVID-19 has had on higher education.

I share that assessment, but we need to keep things in perspective. Leaders and workers in the health sector have faced much bigger challenges, on a daily basis.

Nevertheless, I say with extraordinary pride that Melbourne Law School, which once insisted on every student coming in and being taught face to face, was within two weeks able to move fully online during the pandemic, and has since that time been continually honing how we teach face to face and virtually. We are also exploring how we build community among students who cannot be with us physically.

As a successful female leader in the legal sector, what do you make of the advances that women have made in law in the past decade?

It's a good thing that there are now more women in leadership in the law. We see that in firms, at the Bar and on the Bench. Women's representation is still uneven within those institutions, but we're working to do our best to rectify that, or to at least call it out when we see it as an outlier. Further, we have to work together with men to make all workplaces safe.

What advice do you have for our next generation of leaders?

I met recently with students who graduated last year and I talked to them about the leadership role all of them should play in securing a safe workplace for men and women. I asked them to consider their ethical responsibility to make sure that sexual harassment was challenged and ultimately eradicated in the workplaces to which they go.

These are young, bright and energetic people who fully understand the need for a safe workplace and they are in a position to start or embed cultural change. In that conversation I particularly asked for the men to sit with their sisters and take responsibility for this change and not leave the security of the workplace as "women's work".

It's crucial to see yourself in those that are leading you. It's vital for Muslim women, for example, to see lawyers who are Muslim women and I've talked to firms about that.

But we've come an enormous way. I was reflecting the other night with someone now in her 80s, who had to leave the Commonwealth public service the day she married. If you look back at structural impediments, much has changed, but we've got to work on attitudinal change and the ongoing development of our workplace structures.

In your role, you see the next generation of lawyers coming through the ranks. Is the profession in good hands?

I think it's in excellent hands. I'm very defensive when this generation of students and graduates is criticised. They've packed so much into their young lives and there's often a lot of generosity in the work they've done. They're much more self-consciously working not only for themselves but for others, which is something we should be celebrating and not taking for granted. It's important, too, for senior professionals to not be complacent about the ways in which the world works and to allow their ideas to be questioned.

You have defended the value of the law degree in the face of some recent criticism from former prime minister Malcolm Turnbull, who has suggested that too many graduate lawyers are being produced. What is your argument?

A law degree is invaluable training. If you've qualified as a lawyer and been robustly challenged, you cannot only apply the law, you can spot issues and advance arguments in a logical way that is evidence-based – and they are extraordinary attributes that can be taken anywhere.

We know that many law graduates are working across government and industry, in parliament, and also using their full technical capacity in the legal sector. It's a superb degree and I really don't accept the proposition that we should confine the number of places in law to the number of lawyers needed.

At the same time, law schools do have to be very transparent about the employment prospects for their law students. At MLS, we have consistently seen full-time employment of our JD graduates hovering between 92 per cent and 98 per cent, off the back of a 75 per cent or higher response rate. I think all schools should transparently report their employment outcomes, including to their future students.

Through your work and research focussing on the history and development of Vietnamese legal institutions, Vietnam has had a significant influence on your career and on you as a person. Can you tell us about that impact?

I've learnt an incredible amount from my Vietnamese colleagues over many years. One lesson is that there's always a way and there's flexibility in finding that way. The Vietnamese show an enormous amount of resilience, too, and that is a lesson for others.

I've seen such qualities in spades in Vietnam, and in conditions that are much harder to work in than a jurisdiction like Australia, where rules and practices reflect the key tenets of the rule of law.

All the best in navigating the pandemic, and good luck with the new course when it is launched later this year.

Thank you. It's a significant offering, it's a great thing for the legal sector and it's a superb thing for young mid-career professionals. I look forward to welcoming really interesting people into the program; joining us to learn from our expert leaders in the field who will run the program and from each other.

We want to empower the next generation to have reason, insight and reflection informing how they want to think about the future of legal organisations – and that's a great thing.

* Professor Pip Nicholson is Dean of Melbourne Law School. She has previously served as Director of the Asian Law Centre while also directing its Vietnam program. Pip has also served as the Melbourne Law School's Associate Dean (International) and Associate Dean for the Juris Doctor. Between 2015 and 2017, Pip served as Vice-President and Deputy Vice-President of the University of Melbourne's Academic Board. She is one of the world's leading scholars on the Vietnamese legal system. Pip has previously been admitted as a barrister and solicitor of the Supreme Court of Victoria and High Court of Australia.

** The Specialist Certificate in Legal Leadership course consists of two subjects.

- 1. Management for Professionals** – this subject will cover topics such as the characteristics of professional services firms and the management challenges that arise in those organisations. It will also speak to structures, dynamics and trends within the legal sector, including strategic management, business models, competition, firm economics and firm structures, along with associated issues relating to legal processes and technology.
- 2. Legal Leadership Essentials** – this subject will consider the modern history of leadership itself and then examine lawyers as leaders. Issues such as leadership, the role of advocacy, emotional stability, expertise and objectivity will also be addressed. It will examine how to harness human motivation, as well as the role of authority in leadership and how to embrace adaptive leadership.

In order to be considered for entry into the Specialist Certificate in Legal Leadership course, applicants must have completed:

- a degree in law (LLB, JD or equivalent) leading to admission to practice, or equivalent; and
- two years of documented relevant professional experience.

Or

- a three-year undergraduate degree or equivalent in any discipline area; and
- five years of documented relevant professional experience; and
- a personal statement of up to 500 words outlining why you wish to be considered for this course.

Meeting these requirements does not guarantee selection.

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