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### Abstract

This paper discusses the partial findings from a research study involving a narrative analysis of in-depth interviews with twelve final year law students. The research explored student attitudes to, and perceptions of, legal practice in rural, regional and remote (RRR) communities – that is, their 'imagined experience'. The research findings suggests that, at least in the context of the non-regional law school, the rural/regional is both absent and 'other', revealing the 'urban-centric' nature of legal education and its failure to adequately expose students to rural and regional practice contexts that can help to positively shape their 'imagined' experience. This paper argues that all law schools must take up the challenge of rural inclusiveness by integrating a sense of 'place-consciousness' into the law curriculum.

### Keywords

practice, within, school, context, final, year, law, students, imagined, experience, placing, rural, other, regiona

### Disciplines

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## 'PLACING' THE OTHER: FINAL YEAR LAW STUDENTS' 'IMAGINED' EXPERIENCE OF RURAL AND REGIONAL PRACTICE WITHIN THE LAW SCHOOL CONTEXT

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*This paper discusses the partial findings from a research study involving a narrative analysis of in-depth interviews with twelve final-year law students. The research explored student attitudes to, and perceptions of, legal practice in rural, regional and remote (RRR) communities - that is, their 'imagined experience'. The research findings suggest that, at least in the context of the non-regional law school, the rural/regional issue is both absent and 'other', revealing the 'urban-centric' nature of legal education and its failure to adequately expose students to rural and regional practice contexts that can help to positively shape students' 'imagined' experience. This paper argues that all law schools must take up the challenge of rural inclusiveness by integrating a sense of 'place-consciousness' into the law curriculum.*

### Introduction

The attraction and retention of lawyers in rural, regional and remote (RRR) communities has been recognised as a significant problem.<sup>1</sup> An important part of the attraction and retention equation lies in addressing the willingness and preparedness of future law students to go to RRR areas to practice. Research in the area of teacher and medical education has drawn an important link between rural inclusiveness of education and rural service.<sup>2</sup> However, recent research undertaken by the author suggests that, at least in non-regional law schools, the rural/regional issue is both absent and 'other', revealing the 'urban-centric' nature of legal education<sup>3</sup> and its failure to adequately expose students to rural and regional practice contexts that can help to positively shape their 'imagined' experience.

This paper documents preliminary findings from a research study involving a narrative analysis of in-depth interviews with twelve final-year law students. The research explored student attitudes to, and perceptions of, legal practice in RRR communities - that is, their 'imagined' experience. Students were asked about the motivations, experiences, values and beliefs that led to their decision to study law, as well as their career goals and preferences. This paper will explore one particular finding arising from the research, namely 'rural/regional as the absent other', and consider possible implications for both the law school curriculum and the attraction and retention of lawyers to RRR areas. In particular, it will argue the need for non-regional law schools to embrace a more inclusive curriculum, and to affirm and support student diversity in terms of career goals and trajectories.

<sup>1</sup> See, eg, Law Council of Australia and Law Institute of Victoria, *Report into the Rural, Regional and Remote Areas Lawyers Survey* (July 2009) 42 <[http://www.lawcouncil.asn.au/programs/national-policy/recruitment\\_retention/rrr.cfm](http://www.lawcouncil.asn.au/programs/national-policy/recruitment_retention/rrr.cfm)>; and Trish Mundy, 'Recruitment and Retention of Lawyers in Rural, Regional and Remote Communities', (Northern Rivers Community Legal Centre, July 2008) <<http://www.nrclc.org.au/SiteMedia/w3svc728/Uploads/Documents/RecruitmentRetentionOfLawyers.pdf>>.

<sup>2</sup> Denise Beatel, Lenore Adie, Suzanne Hudson, 'Promoting Rural and Remote Teacher Education in Australia Through the Over the Hill Project' (2011) 18(2) *The International Journal of Learning* 377; Graeme Lock, Jo-Anne Reid, Bill Green, Wendy Hastings, Maxine Cooper, Simone White, 'Researching Rural-Regional (Teacher) Education in Australia' (2009) 19(2) *Education in Rural Australia* 31; Simone White, Jodie Kline, Wendy Hastings, Graeme Lock, *Renewing Rural and Regional Teacher Education Curriculum* (2011) Australian Teaching and Learning Council <[www.rrrtec.net.au](http://www.rrrtec.net.au)>; E J Bell, G MacCarrick, L Parker and R Allen, 'Lost in Translation? Developing Assessment Criteria that Value Rural Practice' (2005) 5 *Rural and Remote Health* 420.

<sup>3</sup> The 'urban-centric' nature of law and legal education has also been highlighted by Professor Kim Economides in his Keynote Address, 'Centre-Periphery Tensions in Legal Theory and Practice: Can Law and Lawyers Resist Urban Imperialism?' (Keynote address delivered at the 2012 National Rural and Regional Law and Justice Conference, Coffs Harbour, NSW, May 2012).



The paper is structured into four parts: it begins with a brief overview of the problem of attracting and retaining lawyers in RRR areas; it then provides a summary of the research project and examines the key theme of 'other' arising from the research interviews. It then concludes with a discussion of possible strategies for the development and delivery of law school curricula.

## The problem of attracting and retaining lawyers in RRR areas

Over the past two decades there has been a steady decline in the proportion of solicitors practising in rural, regional and remote (RRR) communities in Australia, leading to a critical shortage in many geographical areas.<sup>4</sup> The precise extent of the decline is difficult to assess. The most reliable and comprehensive data is published by the NSW Law Society and confirms that, since 1988, there has been a steady decline in the proportion of solicitors practising in rural areas of NSW, down from 16.7 per cent to 12.8 per cent of all lawyers in practice in NSW.<sup>5</sup> Research by Forell, Cain and Gray also suggests that the problem can vary from region to region.<sup>6</sup>

A recent national survey of RRR legal practitioners confirms that these trends are replicated across other states and territories.<sup>7</sup> In particular, the survey found that 43 per cent of principals in RRR Australia who responded to the survey (n = 242) indicated that their practice has insufficient numbers of lawyers to serve the legal needs of their client base.<sup>8</sup> This response was highest in Northern Territory (71%), South Australia (67%) and Queensland (49%).<sup>9</sup> It also found that this situation is likely to become significantly worse because a large number of legal practitioners, many of whom are sole practitioners, intend to retire in the next five to ten years.<sup>10</sup> In addition, the study found that 42 per cent of practitioners do not intend to practise law in five years' time and that many young lawyers are intending to leave their work in RRR areas to seek better remuneration or work in the city.<sup>11</sup> Succession planning (71%), attracting additional lawyers (58%) and attracting replacement lawyers (51%) were the most common concerns identified by the principal lawyers surveyed.<sup>12</sup>

A Senate Inquiry into Access to Justice (2009) confirms that the lack of legal practitioners willing to work in RRR areas is a 'fundamental problem'.<sup>13</sup> Addressing issues around the attraction and retention of lawyers in RRR areas is important for two reasons: first, having legal professional people living and working within RRR communities is essential to sustainable, healthy communities;<sup>14</sup> and second, lawyers living in these communities will facilitate community members' access to justice. In addition, lawyers are important to RRR areas as they carry out a large amount of legal aid work, more than their city counterparts.<sup>15</sup> They also undertake significant pro bono and voluntary work within their communities.<sup>16</sup>

<sup>4</sup> See, eg, Urbis Keys Young, '2011 Profile of the Solicitors of NSW' (The Law Society of New South Wales, February 2012); Suzie Forell, Michael Cain and Abigail Gray, 'Recruitment and Retention of Lawyers in Regional, Rural and Remote New South Wales', (Law and Justice Foundation of NSW, September 2010); Legal Aid Commission of NSW, 'Review of the NSW Community Legal Centres Funding Program Final Report' (June 2006); G Ferguson, 'Bush lawyers - the Problem Facing Regional and Rural Queensland' (2004) 24(11) *Proctor* 32; Law Society of NSW, 'Law society Warns of Lawyers Shortage in Rural Areas', *ABC Regional News*, 18 February 2002. For additional analysis on the nature and extent of the problem, see also Trish Mundy, 'Attracting and Retaining Lawyers: A Problem for Rural, Regional and Remote Communities' (2009) 34(1) *Alternative Law Journal* 32.

<sup>5</sup> Urbis Keys Young, '2011 Profile of the Solicitors of NSW' (The Law Society of New South Wales, 7 February 2012) 9.

<sup>6</sup> Suzie Forell, Michael Cain and Abigail Gray, above n 4.

<sup>7</sup> See, eg, Law Council of Australia and Law Institute of Victoria, above n 1, 42.

<sup>8</sup> *Ibid* 17.

<sup>9</sup> *Ibid* 18.

<sup>10</sup> *Ibid* 5.

<sup>11</sup> *Ibid*.

<sup>12</sup> *Ibid* 19.

<sup>13</sup> Legal and Constitutional Affairs References Committee, *Access to Justice*, (December 2009) [2.104].

<sup>14</sup> Standing Committee on Regional Development, 'Attracting and Retaining Skilled People in Regional Australia: A Practitioner's Guide' (Circular 17.11, Western Australian Department of Local Government and Regional Development, February 2004) 1.

<sup>15</sup> Law Council of Australia and Law Institute of Victoria, above n 1, 6. The report also notes that '51% of respondents indicated that their firm accepted legally aided matters. Of those firms, the majority (50%) dealt with more than 30 cases per year'.

<sup>16</sup> *Ibid*, 16. The report notes that more than 64% of respondents indicated that their firm undertakes pro bono work and 71% undertake other unpaid voluntary work within their area.



## The research: interviews with final year law students

It is against this background of ‘rural decline’ that a narrative analysis of in-depth interviews was conducted with 12 final-year law students. The purpose of the interviews was to canvass the students’ attitudes to and perceptions of legal practice in RRR communities, and to gain an understanding of the ideas, beliefs and values underpinning their career preferences. Narrative analysis is premised on the epistemological belief that human beings make sense of their experiences and dialogic interactions with the world and themselves through story (narrative) structures.<sup>17</sup> A narrative is a story-telling a sequence of events (real or imagined)<sup>18</sup> that is significant for either the teller or their audience. Narratives depict the individual and their context because people are irreducibly connected to their social, cultural and institutional setting.<sup>19</sup>

Narratives, then, represent storied ways of knowing and communicating.<sup>20</sup> Narrative researchers attempt to make sense of and interpret phenomena in terms of the meaning people bring to the phenomena.<sup>21</sup> An individual’s thoughts, perceptions, beliefs and experience are central aspects of understanding why they act as they do, why they make certain choices over others and what meanings they assign to their world.<sup>22</sup> In the context of this research, thoughts, perceptions, beliefs and experiences are believed to be highly influential in determining whether or not a person will choose to go to or return to a RRR area. A thematic analysis was adopted to interpreting the data (interviews);<sup>23</sup> common ideas and phrases that were articulated in individual narratives were identified and used to indicate the level of importance assigned to specific thoughts or incidents.<sup>24</sup>

A total of twelve students were interviewed. Five students were from two regional universities in Queensland: James Cook University in Townsville and the University of Southern Queensland in Toowoomba. The remaining seven students were studying at the Nathan campus of Griffith University located in Brisbane, Queensland.<sup>25</sup> Interviews ranged in duration from 25 to 75 minutes. Table 1 shows the gender of the participating students and the geographical location of the universities.

**Table 1: University location of students interviewed**

Geographical Location	Regional University	City-based university
Female	3	6
Male	2	1
<b>TOTAL</b>	<b>5</b>	<b>7</b>

Of the seven students studying at the city-based university, two have a rural/regional background. Table 2 shows the breakdown of the geographical background of students.

**Table 2: Geographical Background of Students Interviewed**

Geographical Background	RRR Background	Non-RRR Background
Female	5	4
Male	2	1
<b>TOTAL</b>	<b>7</b>	<b>5</b>

<sup>17</sup> Jill Sinclair Bell, ‘Narrative Inquiry’ (2002) 36(2) *TESOL Quarterly* 207.

<sup>18</sup> See, eg, research which has considered ‘imagined’ identities or experiences using narrative method: Gary Barkhuizen, ‘Imagined Identities: Preimmigrants’ Narratives on Language and Identity’ (2006) 10(3) *International Journal of Bilingualism* 277; and Mark Hughes, ‘Imagined Futures and Communities: Older Lesbian and Gay People’s Narratives on Health and Aged Care’ (2008) 20(1-2) *Journal of Gay and Lesbian Social Services* 167.

<sup>19</sup> Torill Moen, ‘Reflections on the Narrative Research Approach’ (2006) 5(4) *International Journal of Qualitative Methods* 4.

<sup>20</sup> Catherine Kohler Riessman, ‘Narrative Analysis’ in Nancy Kelly, Christine Horrocks, Kate Milnes, Brian Roberts and David Robinson (eds), *Narrative, Memory and Everyday Life* (University of Huddersfield, 2005) 1.

<sup>21</sup> Torill Moen, above n 19, 5.

<sup>22</sup> Donald E Polkinghorne, *Narrative Knowing and the Human Sciences* (State University of New York Press, 1988); Martin Cortazzi, *Narrative Analysis* (The Falmer Press, 1993).

<sup>23</sup> Catherine Kohler Riessman, *Narrative Analysis Qualitative Research Methods Series* (Sage Publications, Volume 30, 1993) 15. Thematic analysis is a widely used analytic method in qualitative research.

<sup>24</sup> Janine A Overcash, ‘Narrative Research: a Review of Methodology and Relevance to Clinical Practice’ (2003) 48(2) *Critical Reviews in Oncology Hematology* 180.

<sup>25</sup> The research was conducted in accordance with the Ethical Guidelines of Griffith University; Application Reference No: Law/12/09/HREC.



Final year law students were identified as an appropriate group for canvassing 'imagined experience' because, presumably, they would be in the process of contemplating their future employment options. Students were asked about their motivations for studying law, their thoughts about their future legal career, their understanding of, and meaning given to, legal practice in RRR areas. Interviews were semi-structured in nature and centred on broad topics rather than being focussed on specific questions. This approach sought to promote a spontaneous and reciprocal exchange between interviewer and interviewee that would allow the interviewee the freedom and flexibility to recall and reflect on their own experience, attitudes and perceptions.

This paper will now consider one particular finding arising from the research, namely 'rural/regional as other'.

## Locating the *other*

The aim of talking with students about their 'imagined' experience of RRR practice included a desire to gain insight into their feelings about their law school experience. Initially, the purpose of asking about imagined experience was to provide an 'icebreaker' topic in the interview; a way of building rapport with students and helping to create a more relaxed space. However, when the conversations were later analysed, the data revealed interesting differences between the responses of the city-based students and those from the regional university: all of the city-based students depicted RRR practice as in some way 'other' within the law school context; they did this by either not mentioning RRR or marginalising it.<sup>26</sup>

Of the seven students interviewed from the Brisbane campus of Griffith University, two made express reference to an absence of RRR issues within their law school experience. This absence is captured in the following comment:

[Law school] has sort of focused on I suppose the bigger city firms and stuff like that ... but I would have liked for there to be a bit more focus on regional, remote, rural communities and community legal centres. I don't feel that we have spoken about it enough in the degree ... [W]henver they have 'meet the profession' and stuff like that, that is based around city firms being that we're here, so I sort of felt that it's all been, most of it's all been, focused around that.<sup>27</sup>

Another student commented on the absence of information about regional careers and her desire for a greater awareness of the rural and regional in the context of potential career opportunities:

...I don't feel as though students that are in Brisbane are necessarily aware of firms that are in Bundaberg, that are in Murwillumbah or in Northern Queensland anywhere at all. They are not advertised on the career board and you just don't know what's there. Like honestly ... I would be more than happy to apply to positions that are regional for the experience, and to have a job ultimately, but I just wouldn't know where to start ...<sup>28</sup>

While these two students identify an explicit absence of RRR contexts within the law school experience, three other students highlight the implicit marginalisation of RRR contexts through what they saw as a dominant focus on 'top tier' firms within the law school environment and its role in the student cohort's construction of their 'lawyer' identity. One student remarked: '[T]here's kind of a top tier or nothing approach which is incredibly frustrating ...'<sup>29</sup> Another commented ' [E]veryone seems to be talking about heading towards the [end of] law school is "I've got to get into a top tier law firm and I've gotta do this and this and this ..."'<sup>30</sup> while a third referred to their peers' 'fixation on the big glass building in the city ...' and their own belief that 'the city sets the pace of legal life ...'<sup>31</sup>

These comments allude to a perception held by the wider cohort of a very particular - and limited - conception of what it means to be a lawyer, namely 'real' lawyers work in the city - preferably in a top tier

<sup>26</sup> While these particular students were from the Brisbane campus of Griffith University, the author believes that this has relevance beyond a single university. Hearing students' 'imagined' experience has particular importance and relevance for other non-rural/regional universities.

<sup>27</sup> Interview 8, city-based university.

<sup>28</sup> Interview 10, city based university.

<sup>29</sup> Interview 9, city based university.

<sup>30</sup> Interview 11, city based university.

<sup>31</sup> Interview 6, city based university.



firm - in a high powered job housed in a glass building. Interviewee 11 commented further about this 'top tier peer obsession' and makes the insightful observation that a more effective focus is needed by respecting diversity of experience, career goals and trajectories to allow students to make good choices for themselves. She remarked:

Umm, there's a lot of ... it probably isn't the whole cohort but it certainly sometimes feels like it. You know when clerkship applications and offers all started ... everyone was freaking out that they weren't gonna get that position at the best firm they could ... I just thought, you know, I think you've missed the point. I think the point is to find a job that you enjoy, that you're good at, that you can do well, that you derive some kind of purpose and meaning from.

The three remaining students, when asked generally about whether they had ever given any thought to practising in a rural, regional or remote community, reported that they 'have never thought about it'<sup>32</sup> or had not really given any thought to it until they were approached for this research.<sup>33</sup> The fact that a student could graduate from four or more years of university study and not ever have had to consciously consider a range of practice contexts and possibilities, is concerning.

It was also apparent, when asked about potential interest in regional/rural practice, that those students who did have a regional/rural background (regardless of university location) tended to focus on rather different considerations to those students who did not. Those with a rural/regional background were more likely to frame their career decisions in terms of their professional interests and the potential job itself whereas those without a rural/regional background focused on their 'imagined' conception of rural/regional communities and their anticipated practice experience that flowed from this. So, for example, Interview 4, who lives in a regional area, made the following comment about the prospect of remaining in her geographical location to practice:

The thing with all the firms here - basically every single one of them do criminal and family law. So ... unless I could be ... certain that I would be in a commercial department of a firm or I would be in a firm that didn't specialise in criminal or family, I would possibly go to Brisbane.

Two other students with regional backgrounds highlighted the job itself as the determining factor in whether they would remain in or go to a RRR area:

I'm pretty laid back about it. I don't really mind where I go. I'm willing to move or stay here as long as ... wherever I go I can get a job really. At the moment just getting a job is probably the highest preference then move from here ...<sup>34</sup>

Similarly, Interview 8 also focused on the job attributes:

Well to be honest I'm sort of stepping into the unknown. I haven't really narrowed it down completely. I know I want to go to a smaller community and I'd really like the opportunity to be in an area where you get a wider range of different law areas to focus on so I don't really know yet - I just ... whether it be a community legal centre or a private firm, a firm that covers a lot of areas ...<sup>35</sup>

While these comments reflect a focus on practice interests and the job itself, they contrast with the overall comments of students without a rural/regional background. These students were more likely to point to factors that related to perceived qualities of rural/regional communities or attributes of rural/regional practice, for example, isolation, conflicts of interest or family considerations. For example:

I'm not sure if I would ever work in a rural area because of, I suppose, the isolation ... Especially with the legal profession I think you need that support network of other people and I don't know how much of that support you would get in a rural practice. So, umm, dealing with conflicts of interest, all of those sorts of conflicts and things that you would come across in your career would be more prevalent in a smaller - you have to be more responsible I think than if you work in a larger firm in the city.<sup>36</sup>

<sup>32</sup> Interview 12, city based university.

<sup>33</sup> Interview 7, city based university.

<sup>34</sup> Interview 5, regional university.

<sup>35</sup> Interview, 8, non-RRR background.

<sup>36</sup> Interview 7, non-RRR background.



To be honest [I've not thought about practising in a rural, regional or remote area] 'cos I've always grown up in Brisbane but I'm not sure how well I'd do in the country ... and I'm not sure how well [my partner] would like to move interstate and to the country or something like that ... I've never been out of a major city. I think I went to Bundaberg once last year and it was so boring ... I think it's probably the shops with me and convenience I guess ...<sup>37</sup>

Well I guess not to a great extent 'cos I'm thinking about practicalities and how that would work out but umm I definitely wouldn't be opposed to the idea. You know I kind of like the idea of working at somewhere like Melany or Mt Tamborine because I figure that's just a beautiful place to be but umm if you're talking more rural or regional than that ... I don't think that there'd be anything wrong with it ... It would be a bit of a lifestyle change and I think if you were to do it, it would be the kind of thing to invest in for a few years and become part of the community and know what's going on with the town wherever you are.<sup>38</sup>

[The responsibility of a regional practitioner is higher] because of the confidences [and] conflicts you have to be aware of ... I would imagine in a small town they would know whose cows are having cows. It doesn't take a lot to destroy your reputation. Why would you do it?! The money is not that good ... I don't think any [amount of] money is enough.<sup>39</sup>

The fact that those with an RRR background were more likely to focus on professional interests and job qualities rather than on 'imagined' qualities or deficiencies of communities and the practice experience, strongly supports the need for inclusion of rural and regional contexts within the law degree. Greater rural inclusiveness in law curricula can play a vital role in giving students the opportunity to learn about rural/regional contexts, to help to unpack some of the fears and concerns underlying their decision-making and promote rural/regional practice as a potentially positive experience.

While the experiences of these twelve students cannot be seen as indicative of all law students' experiences, they nonetheless offer some insight into the law school experience, particularly for those studying at a non-regional university. At a minimum, they highlight a call by city-based students for more explicit inclusion of rural/regional contexts. More specifically, however, the results point to a broader 'urban centric' bias in the law curriculum and bring to light the important role for all law schools in addressing attraction and retention issues through integrating an awareness of 'place' in the law curriculum.

## 'Placing' the rural/regional in law curriculum

It is clear that there is no one 'magic bullet' to address the problem of attracting and retaining professionals in rural and regional areas. Rather, it requires the collaborative effort of all stakeholders, including government, professional bodies, communities and universities, to achieve the multi-dimensional approach required to address the problem and to promote rural and regional practice as a positive long-term career option.<sup>40</sup> To date, several important strategies have been introduced by professional bodies and by the community sector (through support of government funding) aimed at attracting new graduates to rural and regional areas. These include the development of the RRRLaw website by the Law Council of Australia, designed to promote legal careers in RRR areas and provide a space for the advertisement of employment opportunities. The National Association of Community Legal Centres (CLCs) has also developed a project aimed at encouraging law graduates to work in regional CLCs as part of their Practical Legal Training (PLT) placement in the hope that it will increase the number of law graduates who elect to remain and work as lawyers in regional areas.<sup>41</sup> In addition, the Legal Aid bodies in Queensland<sup>42</sup>, New South Wales<sup>43</sup> and Western Australia<sup>44</sup> have also introduced strategies which involve placing new graduates into RRR areas of high unmet legal need by offering a wage subsidy and other financial incentives.

<sup>37</sup> Interview 12, non-RRR background.

<sup>38</sup> Interview 11, non-RRR background.

<sup>39</sup> Interview 6, non-RRR background.

<sup>40</sup> Robert Miles, Carmel Marshall, John Rolfe and Sally Noonan, 'Attraction and Retention of Professionals to Regional Areas' (2006) 12(2) *Australasian Journal of Regional Studies* 12.

<sup>41</sup> National Association of Community Legal Centres, *Project Proposal, Law Graduates for CLCs in Regional Areas, March 2008-March 2012, Year One: Feasibility Study*, Sydney, March 2008.

<sup>42</sup> Dorothy Adams, 'Review of the Regional Solicitor Scheme' (Legal Aid Queensland, June 2007).

<sup>43</sup> Legal Aid Commission of New South Wales, *Rural Client Services Strategy*, 9 January 2007 <<http://www.legalaid.nsw.gov.au/data/portal/00000005/public/60577001168299957437.pdf>> 2.

<sup>44</sup> Law Society of Western Australia, *Country Lawyers Graduate Program* <<http://www.lawsocietywa.asn.au/index.php?p=1>>.





All of the strategies target the graduate stage. Very little has been done at the university level to promote and prepare students for work in rural and regional communities. The present research suggests that this is likely to be amplified in those universities located outside of rural and regional centres. Given that literature in the area of teacher and medical education has shown an important link between rural inclusiveness of education and rural service,<sup>45</sup> it is timely and important that all law schools share in the task of promoting rural/regional practice as a potential career option and take up the challenge of rural inclusiveness. There is a need to help prepare students for the professional opportunities and challenges of rural and regional practice by integrating a sense of 'place-consciousness'<sup>46</sup> into the law curriculum.

### Preparing students for the opportunities and challenges of rural and regional practice contexts

Legal practice in rural and regional areas can be professionally rewarding. An enhanced lifestyle, closer connections with client and community as well as the opportunity to gain a much broader practice experience are just some of the more commonly cited benefits of rural and regional practice. While there are clear benefits, there are also distinct challenges. For example, the significant distance of some areas from metropolitan centres, leading to prohibitive travel and access costs, can result in professional isolation and a lack of access to resources. Difficulties in maintaining personal boundaries can also present a particular challenge. The lawyer in a small rural town is often a high profile individual and can face considerable role expectations within the community, which can impinge on the lawyer's personal life.<sup>47</sup> This high visibility reduces privacy and generates tension around client confidentiality and conflicts of interest. Martin and Kennedy also highlight the fact that practice in a rural or regional area which lacks other services may require the legal professional to 'exercise their skills in unconventional ways, by working without sufficient training or support, or moving outside accepted bounds of practice', thus increasing ethical and legal risks and professional challenges.<sup>48</sup> It is an inability to deal with these issues that can lead to an early departure from rural and regional areas. Thus, preparing students for the nature of the particular challenges faced in rural and regional practice may increase their preparedness and better equip them for the particular needs and challenges of the practice environment.

Research into both the medical and teacher education curriculum suggests that universities are well placed to address attraction and retention issues for rural and regional professionals, playing a critical role in preparing students for careers in these areas.<sup>49</sup> Simone White argues for the need to incorporate 'place consciousness' pedagogies in all teacher education curriculum - not just that offered in rural and regional centres - as a strategy for teacher recruitment and retention.<sup>50</sup> Place-based pedagogies prioritise learning opportunities that are meaningful and relevant to students and connect them to their own places, to people and to the popular cultures and concerns that engage them.<sup>51</sup> Gruenewald writes that the purpose of place consciousness in education is to:

<sup>45</sup> Denise Beatel, Lenore Adie and Suzanne Hudson, 'Promoting Rural and Remote Teacher Education in Australia Through the Over the Hill Project' (2011) 18(2) *The International Journal of Learning* 377; E J Bell, G MacCarrick, L Parker and R Allen, 'Lost in Translation? Developing Assessment Criteria that Value Rural Practice' (2005) *Rural and Remote Health* 420.

<sup>46</sup> This concept of 'place consciousness' has been canvassed in a range of teaching and learning and educational literature, for example see Simone White, 'Place Consciousness? Sustaining Rural Schooling through Place-Consciousness in Teacher Education' (2008) 23(7) *Journal of Research in Rural Education* 6.

<sup>47</sup> J M Giddings, B E Hook and J Nielsen, 'Legal Services in Rural Communities: Issues for Clients and Lawyers' (2001) 26(2) *Alternative Law Journal* 5.

<sup>48</sup> Paul Martin and Amanda Kennedy, 'Creating Network Based Innovations for Improving the Supply and Welfare of Rural Health Professionals' (Paper presented at the 10<sup>th</sup> National Rural Health Conference, Cairns, Australia, 17-20 May 2009) 2.

<sup>49</sup> Graeme Lock, Jo-Anne Reid, Bill Green, Wendy Hastings, Maxine Cooper and Simone White, 'Researching Rural-Regional (Teacher) Education in Australia' (2009) 19(2) *Education in Rural Australia* 31; Simone White, Jodie Kline, Wendy Hastings and Graeme Lock, 'Renewing Rural and Regional Teacher Education Curriculum Final Report 2011 <[www.rrrtec.net.au](http://www.rrrtec.net.au)>.

<sup>50</sup> White, above n 46, 6.

<sup>51</sup> Ibid.



... extend our notions of pedagogy and accountability outward toward places. Thus extended, pedagogy becomes more relevant to the lived experience of students and teachers, and accountability is reconceptualised so that places matter to educators, students, and citizens in tangible ways. Place-conscious education, therefore, aims to work against the isolation of schooling's discourses and practices from the living world outside the increasingly placeless institution of schooling. Furthermore, it aims to enlist teachers and students in the firsthand experience of local life and in the political process of understanding and shaping what happens there.<sup>52</sup>

Law curriculum and pedagogy that expresses an awareness of 'place' could offer the potential for law schools to address the needs of rural communities and enrich student engagement, regardless of location.<sup>53</sup> 'Place conscious' law teachers and students come to learn about and understand more about rural places and rural social spaces, thus developing knowledge, sensitivities, awareness, skills, attitudes and abilities that will 'allow them to feel more at home and more powerful in a rural setting.'<sup>54</sup> This can be achieved through the development of broader curriculum, skills and assessment strategies that value and support rural and regional contexts.

Townes O'Brien has argued that the law school curriculum deeply embeds a misguided focus on adversarialism through its ethos and values.<sup>55</sup> She identifies a need to introduce broader forms of knowledge and to develop a wider range of skills to address the adversarial messages that continue to dominate law school culture.<sup>56</sup> Arguably, strategies that promote a less adversarial curriculum are highly compatible with those values and skills most important to practice in rural and regional contexts. For example, a greater focus on alternative dispute resolution,<sup>57</sup> a greater focus on skills and client-centred practice along with increased focus on 'private justice processes'.<sup>58</sup>

A project that will soon offer the opportunity for a significant and innovative contribution to awareness of 'place' within the law curriculum is the project *Re Thinking Law Curriculum: developing strategies to prepare law graduates for practice in rural and regional Australia*. The project is led by the University of New England, Armidale, and involves the collaborative efforts of several other higher education institutions across regional Australia.<sup>59</sup> One of the key aims of the project is to examine how the law school curriculum might embed strategies to expose and 'sensitise' students to issues faced in legal careers in rural and regional Australia and prepare them for such career pathways, while a key outcome will be the development of several modules addressing the knowledge, skills and issues particularly relevant to rural and regional practice. On completion, the modules will be made freely available, as an open education resource, to all universities throughout Australia for possible inclusion in their law program either as a 'stand alone' unit of study or as individual modules (or parts thereof) able to be incorporated into existing course work.

Apart from introducing broader forms of knowledge, skills and assessment practices, it is also important - while incorporating this awareness of 'place' within the curriculum - to do so within the context of the concept of 'rural social space'. Lock et al have noted that the preparation of teachers for appointments in rural and regional areas needs to include consideration of not only educational and cultural issues but also the need to frame the teaching curriculum through the lens of 'rural social space'.<sup>60</sup> The concept of 'rural social space' provides a useful lens through which to consider interrelated factors of demography, economy

<sup>52</sup> David Gruenewald, 'Foundations of Place: A Multidisciplinary Framework for Place-Conscious Education' (2003) 40(3) *American Education Research Journal* 619.

<sup>53</sup> White, above n 46, 2.

<sup>54</sup> Ibid 6.

<sup>55</sup> Molly Towns O'Brien, 'Facing Down the Gladiators: Addressing Law School's Hidden Adversarial Curriculum' (2011) 37(1) *Monash Law Review* 43.

<sup>56</sup> Ibid.

<sup>57</sup> Access to Alternative Dispute (ADR) resolution services has also been identified as a particular issue for rural and regional communities. US research suggests that rural people tend to litigate less than people from urban areas and may be more likely to utilise non-adversarial responses when faced with legal problems (S Engle, cited in Fran Gibson and F Rochford, 'Dispute Resolution in Rural and Regional Victoria' (2010) 21 *Australian Dispute Resolution Journal* 111, 115). This has been explained due to the greater access to legal services and 'the higher density of interaction and more role specific relationships in the city' (115). If this is also the case in the Australian context, then given the prominent place of ADR in the Australian legal landscape, access to ADR mechanisms such as mediation for resolving disputes may be even more important in the rural and regional context (116).

<sup>58</sup> O'Brien, above n 54, 47.

<sup>59</sup> This is a project led by the University of New England. Partner institutions are the University of Wollongong, La Trobe University and the University of Southern Queensland.

<sup>60</sup> Graeme Lock, Jo-Anne Reid, Bill Green, Wendy Hastings, Maxine Cooper and Simone White, 'Researching Rural-Regional (Teacher) Education in Australia', (2009) 19(2) *Education in Rural Australia* 35.



and geography unique to individual communities.<sup>61</sup> Such an approach acknowledges the complex and diverse nature of rural spaces in terms of their environments, economies and populations,<sup>62</sup> as well as the complex and contested nature of rural identity and belonging.

In the context of law, the opportunity to consider the complexity and diversity of rural spaces suggests that students can come to see beyond surface stereotypes and misconceptions. Anecdotal evidence suggests that law students can be reluctant to see rural and regional practice as a 'real' career option<sup>63</sup> and do not appreciate the diversity of practice contexts and experiences available in rural and regional areas. Rural lawyers have also complained of entrenched negative perceptions held by their city counterparts, for example, that rural lawyers are 'second rate'<sup>64</sup> while rural professionals themselves can hold the belief that employment experience in RRR areas is of lesser professional value and that RRR work is detrimental to one's career.<sup>65</sup> These attitudes are part of a broader mythology attached to 'the rural' and 'the rural lawyer' that both reflect and compound law students' existing beliefs and prejudices and, perhaps unwittingly, reinforce the message that rural and regional practice is somehow 'less than' city practice. The comments of students in this present research - particularly those concerning attitudes to 'top tier or nothing' - and the valuing of the 'glass building' rather than a more healthy individual focus on one's career goals and interests, points to this.

Sharp has argued that law students construct and interpret their identity as 'lawyer' through stories from popular culture and within the context of their law school experience.<sup>66</sup> This has important implications for the 'placing' of rural and regional within the law school context in light of the attitudes, myths and misconceptions about the 'rural' and 'rural lawyering' that are promoted through television and broader popular culture. Kennedy, drawing on John Francis's 'Gumboot Practice',<sup>67</sup> highlights the popular conception of the rural/regional lawyer as one of a 'family solicitor' and as 'a gentleman in late middle age dressed in a tweed suit who gives good advice to clients in times of trouble'.<sup>68</sup> She also notes Hardman's uncharitable depiction of the rural and regional lawyer as professionally inferior and one that emphasises the sense of community embeddedness within the role:

The country practitioner is certainly no great lawyer; if he were he would be of less value to the community. It is not merely brains that earn a competent living in the country; it is rather a humanity grafted to a will to help people in their troubles without regard to reward. In spite of state aid in its various forms, he still does, as he always has done, an immense amount of work that carries little or no financial payment. He undertakes tasks which require a moderate knowledge of law, coupled with common sense and a kindly and courteous manner, and is a valuable member of the community in which he lives. As part of his service he acts for innumerable charities, bodies of trustees, church councils, and takes an interest in such varied activities as regattas and rowing clubs, youth clubs and moral welfare and other similar associations.<sup>69</sup>

Arguably, the contemporary nature of the rural and regional lawyer's role has changed to reflect the greater diversity within rural and regional communities. Thus, the experiences of legal practitioners can vary from one rural or regional area to another<sup>70</sup> and over time.<sup>71</sup> Despite this increasing diversity, there are

<sup>61</sup> Simone White, Bill Green, Jo-Anne Reid, Graeme Lock, Wendy Hastings and Maxine Cooper, 'Teacher Education for Rural Communities: A Focus on 'Incentives'', in T Aspland, (ed), *ATEA 2008: Teacher Educators at Work: What Works and Where is the Evidence? Proceedings of the 2008 Australian Teacher Education Association Conference* (Australian Teacher Education Association, Melbourne, Vic) 6.

<sup>62</sup> Andrew Gorman-Murray, Kate Darian-Smith and Chris Gibson, 'Scaling the Rural' (2008) 45 *Australian Humanities Review* 37, 37.

<sup>63</sup> Trish Mundy, 'A HECS Rebate? Ways to Attract and Retain Graduate Lawyers in Rural, Regional and Remote Communities' (2010) 35(2) *Alternative Law Journal* 99.

<sup>64</sup> Mundy, above n 1. This is also supported by interviews conducted by the author with a number of rural/regional practitioners in the context of her PhD study.

<sup>65</sup> Robert Miles et al, above n 40, 12; Melinda Brown, 'A Country Practice' (2000) 74(9) *Law Institute Journal* 15; Rachael Castles, 'Recruitment and Retention of Young Lawyers in Remote, Rural and Regional Queensland' (2003) 23(3) *Proctor* 32.

<sup>66</sup> Cassandra Sharpe, 'The Extreme Makeover Effect of Law School: Students Being Transformed by Stories' (2005) 12(1) *Texas Wesleyan Law Review* 233.

<sup>67</sup> John Francis, *Gumboot Practice* (Dalesman Publishing Co Ltd, 1989).

<sup>68</sup> Amanda Kennedy, 'The Rural and Regional Lawyer' (Curriculum Module 2, *Re Thinking Law Curriculum: Strategies to Prepare Law Graduates for Practice in Rural and Regional Areas*, July 2012) 3.

<sup>69</sup> *Ibid* 4.

<sup>70</sup> Giddings et al, above n 47; 'Legal Services in Rural Communities: Issues for Clients and Lawyers' (2001) 26(2) *Alternative Law Journal* 57; 'Recruitment and Retention of Lawyers in Regional, Rural and Remote NSW' (Research Report, Law and Justice Foundation of NSW, September 2010).



shared features of modern legal practice in rural and regional areas, including such areas as 'firm governance and structure, the nature of the work undertaken, community roles and status, and the negotiation of personal and professional relationships'.<sup>72</sup> It is in sites such as these that, through incorporating an awareness of 'place' and 'rural space' within curriculum and pedagogy, that law schools might positively influence students' 'imagined' experience of rural/regional practice and offer a broader vision and conception of 'lawyer' role and identity.

## Conclusion

It is clear that addressing the attraction and retention of lawyers in RRR communities requires a collaborative response by all levels of government, community, professional bodies and universities. Literature in the area of teacher and medical education has drawn an important link between rural inclusiveness of education and rural service.<sup>73</sup> While there have been several strategies targeted at the graduate stage, very little has been done at the university level to promote, 'sensitise' and prepare students for work in rural and regional communities.

However, research undertaken by the author suggests that, at least in the context of the non-regional law school, the rural/regional is both absent and 'other' within law students' 'imagined experience'. The research reveals the 'urban-centric' nature of legal education and its failure to adequately expose students to rural and regional practice contexts that can help to positively shape students' 'imagined' experiences. As such, it is timely and important that all law schools share in the task of promoting rural/regional practice as a potential career option and take up the challenge of rural inclusiveness by integrating a sense of 'place-consciousness' into the curriculum.

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<sup>71</sup> Kennedy, above n 67, 6.

<sup>72</sup> Ibid.

<sup>73</sup> Beatel et al, above n 2; Lock et al, above n 2; White et al, above n 2; Bell et al, above n 2.

