

LEGAL PLACEMENT

Name

Institution

Date

Introduction

Markedly, the importance of out of class placements in instilling practical legal skills and improving employability cannot be understated.¹ Having been granted a lifetime opportunity to conduct my placement at Noble Law firm which primarily handles complex legal immigration issues, I was able to witness the practicability of legal principles and the application of essential legal skills in the attempt of resolving such issues.

My role during placement

Fundamentally, I was tasked with handling the legal aspects of Tier 2 visa for the firm's clients who are mainly international companies.² This involved necessitating immigration of skilled workers who originally are from outside of European Economic Area. Equally, I was responsible for managing the whole immigration processes from receiving initial instructions from clients to drafting visa applications.

Skills acquired during placement

Correspondingly, the placement at Noble Law Firm greatly improved my communication skills.³ Effective communication in any legal setting is very crucial as every word does count and its impact can be felt.⁴ Clients to the firm often need constant and adequate information from the legal practitioners. Identically, the legal practitioners must strive to listen to the needs of their clients to make prudent decisions on how to handle their cases and give proper advice.⁵

Before even undertaking placements, aspiring legal practitioners like me have acquired relevant and satisfactory legal knowledge to manage the most intricate and challenging legal problems that may suffice.⁶ Even though this position may be accurate, the aspiring legal practitioner must disseminate this knowledge in a coherent and apprehensible fashion.⁷ To accomplish this, the aspiring legal

¹ Anne Hocutt, 'Effectiveness of Special Education: Is Placement the Critical Factor?' [1996] *THE FUTURE OF CHILDREN* 77, 78

² Anna Boucher, *Gender, Migration and the Global Race for Talent* (Oxford University Press, 2016) 46

³ David Midwinter and Tracy Whatmore, *Positive Placements: Making the Most of Your Educational Placement* (A&C Black, 2011) 104-105

⁴ Caroline Maughan and Julian Webb, *Lawyering Skills and the Legal Process* (Cambridge University Press, 2005) 54-57

⁵ James Freund, *Lawyering, a Realistic Approach to Legal Practice* (Law Journal Press, 1979) 33-34

⁶ Audrey Rentz, *Rentz's Student Affairs Practice in Higher Education* (Charles C Thomas Publisher, 2004) 111

⁷ Jan Broekman and Larry Catà Backer, *Lawyers Making Meaning: The Semiotics of Law in Legal Education II* (Springer Science & Business Media, 2014) 102

practitioner must have a significant boost in their confidence.⁸ Moreover, the legal practice is pegged on the confidence a client has on the practitioner. Therefore, if the practitioner exhibit low confidence, their clients will not be inspired.⁹

Also, the placement at Noble Law Firm gave me the first-hand opportunity to interact with different people who possess different abilities and ambitions. Even though there is a variation in these attributes, it is accurate to state that the aspiration is same which is to provide unrivaled legal practice. Therefore in this scenario, teamwork must be encouraged and implemented as it is the only viable way to harness all the strengths of the practitioners within the firm and probably mitigate their weaknesses.¹⁰

Importantly, working on a placement basis greatly improved my analytical and decision-making skills.¹¹ For instance, in the wake of the impending withdrawal of the United Kingdom from the European Union, there have been several immigration issues that have arisen as a result of the referendum vote. With keen interest, I observed a proliferation of application of permanent residency by citizens from European Economic Area in order to conform to the British Nationality (General) (Amendment No. 3) Regulations Of 2015. Previously, the right to permanent residency was straightforward as stipulated under Directive 2004/38/EC of The European Parliament and of the Council that permitted the citizens of the European Union together with their families to move freely within the territory subject to certain limitations. Additionally, there is the emphasis on documentation as per the Citizens Directive.¹² Likewise, there is need to determine eligibility as required by section 2(1) of the European Communities Act 1972.¹³ Even with documentation the conditions stipulated in the dictum of *Royer v Belgium*¹⁴ and *Secretary of State for Work and Pensions v Maria Dias*¹⁵ must also be adhered to. Thereupon, the placement gave

⁸ John Finlay, *Legal Practice in Eighteenth-Century Scotland* (BRILL, 2015) 152

⁹ Nalini Mahadevan, *How to Start a Law Practice and Succeed* (Nalini S. Mahadevan, 2012) 291

¹⁰ Jens Ivar Drolshammer and Michael Pfeifer, *The Internationalization of the Practice of Law* (Martinus Nijhoff Publishers, 2001) 407

¹¹ S. I. Strong, *How to Write Law Essays & Exams* (Oxford University Press, 2014) 5

¹² Article 19 and 20 of the Directive 2004/38/EC of the European Parliament and of the Council (29 April 2004)

¹³ Neil Parpworth, *Constitutional and Administrative Law* (Oxford University Press, 2016) 88

¹⁴ [1976] 2 CMLR 619

¹⁵ [2011] ECJ Case C-325/09

me a first-hand opportunity to apply these analytical legal principles in determining real life cases while offering sound legal advice.¹⁶

Reflective learning process

Notwithstanding my affection for working for a law firm that deals with immigration issues I was tremendously dysphoric in pursuing a career in immigration law. To begin with, immigration legal practitioners often work in very small law firms which do not exhibit high standards. Equally, most practitioners are often inexperienced as most of them are just newly admitted into practice. In an attempt to mitigate this problem, immigration law practitioners need to create a support association that specifically address their challenges they currently face.

Uniquely, immigration law is not viewed as a very prestigious legal practice area. Thereupon, first-rate legal attorneys and students tend to shy away from the field. Further, the problem is aggravated by the fact that top legal academic minds not enthusiastic about the development of the area. This has manifested itself by very few academic journals and books. Nevertheless, this problem can only be remedied by a shift in current affairs. Due to globalisation and the encouragement of free markets and integration, immigration will assume a very important role in the legal sphere.

Comparatively, law schools have been offering immigration law in very limited doses. There are many reasons justifying this unfortunate scenario. There is a stereotype that immigrants are major contributors to most ills bedevilling the society such as unemployment and crime. Additionally, there has been an exponential growth of a neo-nationalistic movement that views immigration legal practitioners as the evil merchants. Such problems are exasperated when individuals with nationalistic inclinations assume positions of policy making and decision. Nonetheless, this problem can only be addressed by attitude change and alteration of the legal syllabus to incorporate more of immigration issues.

Remarkably, a large portion of immigration clients is unacquainted on immigration legal laws and regulations. For this reason, they over rely on the legal

¹⁶ Francis J. Mootz, *Rhetorical Knowledge in Legal Practice and Critical Legal Theory* (University of Alabama Press, 2006) 108-109

practitioners for a myriad of issues. This situation makes them susceptible to unscrupulous legal practitioners who may want to prey on their naivety and vulnerability. As mentioned earlier, the creation of support associations for immigration legal practitioners will alleviate this current situation by uplifting practice standards and improve the reputation of the immigration legal practitioners.

Challenges during placement

Remarkably, there are a lot of positives to be derived from placement such as the one I experienced at my time at Noble Law Firm. Just like any institutions that are involved in social engineering, there is a myriad of challenges facing the process. To begin with, most of the placement firms fail to customize some of their operations to suit the candidates who seek placements in these firms. One of the endemic challenges is the shortage of staff which could make the students assume roles within the firms that are irrelevant to their study.¹⁷

Another glaring problem is the inadequate resources experienced by the placement providers.¹⁸ Even though the student is presumed to be in a symbiotic relationship during placement, the financial part the story is to the contrary. Notably, students are not only left on the frolic of their own but must also meet all their financial expenses. Forthwith, this situation has the capacity of negatively impacting on students' morale.

Although placement offers invaluable first-hand real life experience in legal practice, the same cannot be said to students who are currently or previously in employment will have little to learn from placements. This problem is exasperated by the fact that there is blanket approach rather than customisation. For the inexperienced students, there is the risk of vulnerability such as discrimination and sexual harassment.

Consequently, these institutions tasked with providing placement always expect the student to have sufficient knowledge when it comes to placements. This means that they will be treated in like manner like their experienced colleagues.

¹⁷ Sean Creighton, 'The Usefulness Of Service-Learning: Community Partner Perspective,' in Phylis Lan Lin and Mary Moore (eds), *Service-Learning in Higher Education: Paradigms & Challenges* (University of Indianapolis Press, 2009) 275

¹⁸ John McDonnell and Michael L. Hardman, *Successful Transition Programs: Pathways for Students with Intellectual and Developmental Disabilities* (SAGE, 2009)

Although this baptism by fire may be helpful in the future, it could also be a source of discouragement to the aspiring legal practitioners who may not be able to adapt promptly.¹⁹

Recommendations

Even though the placement is dogged with challenges, there are ingenious ways of mitigating such problems. Moreover, there should be sound cooperation between the learning institution, placement provider and the student to ensure that the placement is student oriented. A sound schedule must be formulated by the concerned parties to ensure that the student reaps handsomely from this arrangement.²⁰

Equally, there must be attitude shift by the placement providers from seeing the students as merely feeling the gaps within the organisation they conduct their placements to themselves being mentors. In addition, the providers must provide viable incentives such as probation with the promise of future employment.²¹

Future plans

My immediate current plan is to complete undergraduate law degree (LL.B). Moreover, during this period I will orient myself to undertaking courses that directly or indirectly relate to immigration law. Further, I intend to undertake a Legal Practice Course to complement my undergraduate studies. Further, I would seek to obtain a legal training contract in order to perfect my skills as a legal practitioner specialising in immigration issues.

Despite the myriad of challenges bedeviling immigration law I still believe immigration law is a gem waiting to be unearthed. The recent upsurge of neo-nationalism is basically short-lived and unsustainable. History has taught us that man is not an island and thus will seek to interact with fellow humans and immigration is just a manifestation of this position. Comparatively, I believe that trade and not nationalism is the key to future prosperity and that cannot be possible if there is no robust immigration legal framework to enable it.

¹⁹ Patrick Saxon and Edward Morante, 'Effective Student Assessment and Placement: Challenges and Recommendations' [2014] 37:3 *Journal of Developmental Education*, 24,25-27

²⁰ Ibid 28-29

²¹ Ibid

Conclusion

As can be seen, placements such as the one I undertook at Noble Law Firm form a major role in legal studies. There are a variety of skills that I was able to acquire such as; communication skills, confidence building, teamwork, critical analytical and decision-making skills. Comparatively, the placements significantly improved some of the skills that I had previously acquired namely; the ability to work and cope with the uncertain environment, a disposition to assume responsibility and readiness to be relied upon. Identically, it improved my creativity and management skills which are vital in the later stages of legal practice.

Conversely, the invaluable contribution placement has in impacting knowledge to aspiring legal practitioners; there are also challenges that require immediate intervention to streamline the process of placement fully. The glaring drawbacks are in the form of non-customisation of the placement duties to match the learning objectives and inadequacy of resources. Moreover, there are insufficient incentives available to the students undertaking thus increasing the risk of vulnerability. Nevertheless, inventive methods should be deployed to ensure that the placement methods fully achieve its outlined objectives.

Bibliography

A. Primary sources

a) Cases

Royer v Belgium [1976] 2 CMLR 619

Secretary of State for Work and Pensions v Maria Dias [2011] ECJ Case C-325/09

b) Statutes and statutory instruments

European Communities Act 1972

c) EU legislation

Directive 2004/38/EC of the European Parliament and of the Council (29 April 2004)

B. Secondary sources

a) Books

Boucher, A., *Gender, Migration and the Global Race for Talent* (Oxford University Press, 2016)

Broekman J. and Larry Catà Backer, *Lawyers Making Meaning: The Semiotics of Law in Legal Education II* (Springer Science & Business Media, 2014)

Drolshammer, J. and Michael Pfeifer, *The Internationalization of the Practice of Law* (Martinus Nijhoff Publishers, 2001)

Finlay, J. *Legal Practice in Eighteenth-Century Scotland* (BRILL, 2015)

Freund, J. *Lawyering, a Realistic Approach to Legal Practice* (Law Journal Press, 1979)

Macfarlane, B. *Effective Learning and Teaching in Business and Management* (Routledge, 2013)

Mahadevan, N. *How to Start a Law Practice and Succeed* (Nalini S. Mahadevan, 2012)

Maughan, C. and Julian Webb, *Lawyering Skills and the Legal Process* (Cambridge University Press, 2005)

McDonnell, J. and Michael L. Hardman, *Successful Transition Programs: Pathways for Students with Intellectual and Developmental Disabilities* (SAGE, 2009)

Midwinter, D. and Tracy Whatmore, *Positive Placements: Making the Most of Your Educational Placement* (A&C Black, 2011)

Mootz, F. *Rhetorical Knowledge in Legal Practice and Critical Legal Theory* (University of Alabama Press, 2006)

Parpworth, N. *Constitutional and Administrative Law* (Oxford University Press, 2016)

Rentz, A. *Rentz's Student Affairs Practice in Higher Education* (Charles C Thomas Publisher, 2004)

Strong, S., *How to Write Law Essays & Exams* (Oxford University Press, 2014)

b) Contribution to edited books

Creighton, S. 'The Usefulness Of Service-Learning: Community Partner Perspective,' in Phylis Lan Lin and Mary Moore (eds), *Service-Learning in Higher Education: Paradigms & Challenges* (University of Indianapolis Press, 2009)

c) Journal articles

Hocutt, A. 'Effectiveness of Special Education: Is Placement the Critical Factor?' [1996] *THE FUTURE OF CHILDREN* 77-102

Saxon, P. and Edward Morante, 'Effective Student Assessment and Placement: Challenges and Recommendations' [2014] 37:3 *Journal of Developmental Education*, 24-31