

USING TECHNOLOGY TO INCREASE SUPPORT FOR RURAL AND REGIONAL LEGAL PROFESSIONALS

AMANDA KENNEDY*

STEPHEN WINN**

An examination of available continuing professional education (CPE) opportunities for legal practitioners in rural and regional Australia illustrates that more can be done to ensure that practitioners receive a high quality and synchronous program that can be sustained and that is adequate to fulfil the ongoing needs of rural and regional practitioners. The provision of CPE is focused principally upon the delivery of professional knowledge relevant to legal practice. However, there is limited evidence of highly developed systems that draw on sophisticated educational pedagogy and synchronous interactive technology to deliver professional content. The use of synchronous interactive technologies which provide for a deeper, peer-to-peer interaction are not currently in widespread use. Moreover, there is currently minimal support for the broader issues of the management of rural and regional practice, the specific family or health and welfare issues of rural and regional legal professionals, and the particular problems confronting rural and regional professionals living in small communities where complementary services are lacking. This paper explores the potential to significantly increase support for rural and regional legal professionals in ways that address the above issues.

I INTRODUCTION

In 2009, the Law Council of Australia conducted a survey into problems affecting rural, regional and remote (hereafter referred to as 'regional')

* BCom, LLB, Grad Dip Legal Practice, Grad Cert Law Teaching, PhD, Legal Practitioner of the Supreme Court of New South Wales. Deputy Director, Australian Centre for Agriculture and Law, University of New England, Australia.

** DipT, BEd, MEd, PhD (Health), Manager NDCOP, Deputy Head of School, School of Education, University of New England, Australia.

lawyers in Australia.¹ The central issue identified was the increasing difficulty in attracting and retaining professional staff in these areas, which has a direct impact upon the ability for the profession to service the legal needs of regional communities. The survey found that a significant number of lawyers intended to move from regional practice within the next five years, with 30 per cent of young lawyers surveyed indicating that they would only practise in a regional area for two years before investigating practice elsewhere. A number of reasons were cited for this intention to move from regional areas, including lifestyle reasons, and better remuneration. Of note however were the 60 per cent of respondents who indicated that one of the most likely reasons they would leave regional practice would be to have better access to professional development opportunities. It would seem that access to professional development opportunities is a significant factor contributing to the departure of lawyers from regional areas.

Opportunities to engage in continuing legal education are a core component of a legal practitioner's professional development. However, there has been little analysis of existing continuing professional education opportunities for regional lawyers in Australia. Nonetheless, the available literature and anecdotal evidence indicates that there is a noticeable lack of high quality interactive professional development opportunities in regional areas compared to metropolitan areas, which acts as a disincentive to lawyers to enter or remain in practice in these non-metropolitan areas.² Despite this, very little has been done to make high quality, continuing professional education opportunities more accessible to regional practitioners — particularly in terms of making available sophisticated technological methods to deliver material and to allow for peer to peer interaction, such as synchronous videoconferencing.³

Synchronous videoconferencing offers participants the ability to view, observe, hear, share data and interact over great distances via video

¹ Law Council of Australia, *Report into the Rural, Regional and Remote Areas Lawyers Survey* (2009) <http://www.lawcouncil.asn.au/shadomx/apps/fms/fmsdownload.cfm?file_uuid=58075666-1E4F-17FA-D22C-92C2CC13DA7C&siteName=lca>.

² Trish Mundy, *Recruitment and Retention of Lawyers in Rural, Regional and Remote NSW: A Literary Review* (2008) Northern Rivers Community Legal Centre <<http://www.nrclc.org.au/SiteMedia/w3svc728/Uploads/Documents/RecruitmentRetentionOfLawyers.pdf>>; Robert Miles et al, 'The Attraction and Retention of Professionals to Regional Areas' (2006) 12 *Australian Journal of Regional Studies* 129.

³ A notable exception here is the Queensland Law Society, which regularly offers rural and regional practitioners the opportunity to participate in all of its metropolitan based continuing legal education seminars via video-conferencing: <<http://qls.com.au/content/lwp/wcm/connect/QLS/Your+Legal+Career/Conferences+and+Seminars/>>.

technology. It provides a medium whereby presenters and receivers can engage in dialogue as well as receive the same input as occurs in a person-to-person interaction. The application of synchronous videoconferencing technology in law has included the use of videoconferencing to take depositions and testimonies from witnesses in remote locations or from vulnerable witnesses,⁴ with many Australian courts now equipped with videoconferencing technology. It is also used as a medium to teach law courses (particularly using lecturers from different time zones),⁵ and several law schools in Australia are now equipped with electronic moot courts that boast full ISDN and TCP/IP videoconferencing capabilities. These uses illustrate a clear capability for this technology to be extended to deliver professional legal education content to lawyers based in regional areas, but, despite this potential, the technology has not been widely used for this purpose in Australia.

The present research⁶ sought to provide a group of lawyers from a rural area in New South Wales with the opportunity to participate in a continuing professional education session using videoconferencing technology. This paper outlines the experience of those practitioners with synchronous video technology as a means to access continuing professional education, and explores the potential for this technology to be used in a variety of ways to significantly increase support for regional legal professionals. It proposes a number of strategies to increase the uptake of such technology, and suggests methods of best practice for using the technology. Whilst this paper focuses on the New South Wales legal profession, it has implications for all jurisdictions in Australia, particularly those where continuing legal education is mandatory.

⁴ Adam Brett and Lawrence Blumberg, 'Video-linked Court Liaison Services: Forging New Frontiers in Psychiatry in Western Australia' (2006) 14(1) *Australasian Psychiatry* 53, 55; Martin Davies, 'Bypassing the Hague Evidence Convention: Private International Law Implications of the Use of Video and Audio Conferencing Technology in Transnational Litigation' (2007) 55 *American Journal of Comparative Law* 205.

⁵ Margaret Stephenson et al, 'International and Comparative Indigenous Rights via Videoconferencing' (2009) 19 *Legal Education Review* 237.

⁶ The Authors would like to acknowledge the support of Tandberg Australia (particularly Andrea West) and Steve Mark and Tahlia Gordon from the Office of the NSW Legal Services Commissioner who each generously assisted with the conduct of this research.

II CURRENT CONTINUING PROFESSIONAL EDUCATION OPPORTUNITIES FOR RURAL AND REGIONAL LAWYERS

The recent Law Council survey indicated that access to increased professional development opportunities is a major factor motivating the departure of lawyers from regional area practice.⁷ Participation in continuing professional education, or continuing legal education, is a major component of a practitioner's professional development. Continuing legal education is mandatory in six Australian jurisdictions for admitted lawyers, where practitioners are required to complete certain 'units' or hours of study in order to retain their practising certificate each year.⁸ Some jurisdictions impose additional requirements on the content of mandatory continuing professional education. For example, in New South Wales solicitors are required to complete ten self-assessed units of continuing legal education each year, with at least one unit in the subject areas of ethics and professional responsibility, practice management and business skills, and professional skills.⁹ There is also a requirement that one unit of study in equal employment opportunity, discrimination, harassment and occupational health and safety be undertaken every three years. In addition to the requirements relating to content in New South Wales, there are also restrictions relating to the mode of delivery of continuing legal education, including a limit on the number of units of audio/visual material that a solicitor can claim as private study.¹⁰ Similar requirements are found in other Australian jurisdictions where completion of continuing legal education is mandatory.¹¹ Whilst practitioners may complete some units of mandatory continuing legal education through non-traditional means — such as through delivering lectures and publishing articles in legal publications — it is usually necessary for practitioners in regional locations to

⁷ Law Council of Australia, above n 1, 14.

⁸ Continuing legal education is required in New South Wales, Victoria, Queensland, the Australian Capital Territory, Western Australia and the Northern Territory. In New South Wales, Victoria, Queensland and the Australian Capital Territory there are separate rules for barristers and solicitors; whereas Western Australia and the Northern Territory have one set of rules for both solicitors and barristers. There are currently no mandatory continuing legal education requirements in either South Australia or Tasmania.

⁹ *Revised Professional Conduct and Practice Rules 1995* (NSW) r 42.1.6.

¹⁰ *Ibid* r 42.3.

¹¹ It is also worth noting that the National Legal Profession Reform Taskforce has recently proposed similar definitions in their proposal for the creation of a uniform national continuing legal education requirement, however there is a proposal to restrict the amount of units practitioners may claim for 'viewing or listening to, or preparing material for, a multi-media or web-based program or recorded material'. Practitioners in most jurisdictions have not had such sessions restricted in the past. If this provision is implemented, it is likely that practitioners in rural, regional and remote communities will need to participate in more continuing legal education via face to face delivery mode.

complete some of their continuing legal education in either face to face seminars and lectures or via multimedia or web based programs.¹²

Beyond compliance with mandatory continuing legal education requirements, participation in interactive continuing professional development sessions also offers practitioners the ability to network and to access advice and support from peers whom they might not otherwise come into contact with during their day to day business. The need to access such support is heightened in regional communities, where the impacts of rurality and remoteness (including isolation and commercial risk) require greater levels of welfare and support for the practitioner.¹³ Access to quality and cost-effective face to face professional development opportunities is therefore crucial for regional lawyers, given the contextual factors associated with regional practice.¹⁴

However, with most Australian lawyers practising in metropolitan areas,¹⁵ many providers of continuing legal education programs tend to offer their regular face to face lectures and seminars predominantly in urban locations (though some regional Law Societies and continuing legal education providers offer occasional face to face sessions in regional centres, as well as intensive weekend sessions). Several providers do offer seminars online, which practitioners can download and listen to at their convenience,¹⁶ as well as interactive online learning modules which include in-built review questions.¹⁷ Absent from these online delivery modes, though, is the ability to engage in ‘real time’ with presenters and peers.

Whilst access to asynchronous materials may be helpful in assisting regional lawyers attain their mandatory continuing legal education requirements, it does not provide any opportunities for rich peer interaction, nor the ability to

¹² But see *Revised Professional Conduct and Practice Rules 1995* (NSW) r 42.6.2 which provides that the Council of the Law Society of New South Wales may exempt a practitioner from compliance with the mandatory continuing legal education requirements where the practitioner’s geographical location causes them hardship or difficulty in completing the required number of units.

¹³ Paul Martin and Amanda Kennedy, ‘Creating Network-based Innovations for Improving the Supply and Welfare of Rural Health Professionals’ (Paper presented at the 10th National Rural Health Conference, Cairns, 17–20 May 2011) <http://10thnrhc.ruralhealth.org.au/papers/docs/Martin_Paul_C1.pdf>.

¹⁴ Mundy, above n 2, 13; Miles, above n 2, 139.

¹⁵ Law Council of Australia, above n 1.

¹⁶ See, eg, The College of Law (NSW) *Interactive Online Seminars* <<http://www.collaw.edu.au/Future-Students/Continuing-Professional-Development/CPD-Online-seminars/>>.

¹⁷ See, eg, LawCPD, Guided Tour – MyCPD – Personalised Learning Portal <<http://www.lawcpd.com.au/content/guided-tour-welcome>>.

ask questions or seek clarification of issues. In a few cases, some providers offer rural and regional practitioners the opportunity to participate in metropolitan-based continuing legal education seminars via videoconferencing, but this is not widespread across all jurisdictions.¹⁸ Opportunities to access quality interactive continuing legal education sessions in regional areas in Australia is therefore generally limited, placing lawyers in these areas at a significant disadvantage compared to their urban counterparts as they are required to meet the time and monetary expenses of travelling to metropolitan areas to attend continuing legal education seminars.¹⁹

III USING SYNCHRONOUS VIDEOCONFERENCING TO DELIVER CONTINUING PROFESSIONAL LEGAL EDUCATION

Videoconferencing, or as those in the United States term it, teleconferencing, has been applied in a number of domains including telemedicine,²⁰ telehealth,²¹ teleradiology,²² telepsychiatry,²³ telepathology and telematopathology.²⁴ The term 'tele' has connotations associated with the passive, receptive medium of television, but, unlike television, videoconferencing does not employ one-way delivery. It is an interactive medium that provides video, audio and data sharing capabilities to multiple users synchronously. Synchronous videoconferencing is not new,²⁵ though as a medium it has not been fully utilised in areas beyond health (and even there it has been limited to use between consultant physician and medical officer²⁶ and between medical expert (for example, a radiologist) and general

¹⁸ See above n 3.

¹⁹ Mundy, above n 2, 13; Miles, above n 2, 141; Martin and Kennedy, above n 13, 4.

²⁰ Ian Olver and Sid Selva-Nayagam, 'Evaluation of a Telemedicine Link between Darwin and Adelaide to Facilitate Cancer Management' (2000) 6 *Telemedicine Journal* 213.

²¹ Ian Olver, Louise Shepherd and Sid Selva-Nayagam, 'Beyond the Bush Telegraph: Telehealth for Remote Cancer Control and Support' (2007) 31 *Cancer Forum* 77.

²² Kate Collie et al, 'Videoconferencing for Delivery of Breast Cancer Support Groups to Women Living in Rural Communities: A Pilot Study' (2007) 16(8) *Psycho-Oncology* 778.

²³ Barbara Rohland et al, 'Acceptability of Telepsychiatry to a Rural Population' (2000) 51 *Psychiatric Services* 672.

²⁴ Bernard Leinweber et al, 'Teledermatopathology: A Controlled Study about Diagnostic Validity and Technical Requirements for Digital Transmission' (2006) 28 *American Journal of Dermatopathology* 413.

²⁵ Helen Leskovac, 'Distance Learning in Legal Education: Implications of Frame Relay Videoconferencing' (1998) 8 *Albany Law Journal of Science and Technology* 305, 309.

²⁶ Olver and Selva-Nayagam, above n 20; Olver, Shepherd and Selva-Nayagam, above n 21.

practitioner).²⁷ The application of this form of interaction has been restricted in the past by the initial cost of the technology,²⁸ the medium by which it has been delivered (ISDN rather than video over internet using TCP/IP) and the pedagogy used with the medium.²⁹

There are a number of advantages of synchronous videoconferencing for professional development in the legal profession. First and foremost, it provides the capacity to engage diverse and disparate groups in real time. A second advantage is the capacity to record and archive any event for future reference. A third, and perhaps the most significant, economic advantage is the capacity to reduce the costs of travel and enable professionals to undertake relevant professional development.³⁰ Training of presenters is required to pedagogically maximise the use of synchronous videoconferencing. This includes training in aspects such as eye gaze with the camera rather than the monitor, the positioning of cameras, and the use of data and images to complement the presentation. Quality of service is an essential component of videoconference delivery, particularly in the field of professional development, to ensure that the quality of the pedagogical aspects of the delivery is not compromised.

There has been some research in other fields which has uncovered the benefits of delivering services, including professional development education, via synchronous videoconferencing to professionals located in regional areas. Specifically, the use of synchronous videoconferencing has been found to be beneficial for teachers in their pedagogy and in ongoing career development.³¹ In addition, the use of synchronous videoconferencing has provided academic staff with the opportunity for greater engagement in the practicum component for those in training, such as pre-service teachers.³² The research discussed in this paper examines the potential of synchronous video technology to deliver this kind of support to legal practitioners in regional settings.

²⁷ Rohland, above n 23.

²⁸ Kurt Dudt and Joyce Garret, 'Using Video Conferencing to Improve the Supervision of Student Teachers and Pre Student-Teachers' (1997) 14 *Proteus* 22.

²⁹ Steven Friedland, 'How We Teach: A Survey of Teaching Techniques in American Law Schools' (1996) 20 *Seattle University Law Review* 1, 34.

³⁰ Tracey Callinan, *A Case Study of Video Conferencing for Instrumental Music Teaching* (MMus Ed, University of Sydney, 2004).

³¹ Stephen Winn, 'Virtual Synchronous Supervision of Professional Experience: Issues and Challenges' in Theo Bastiaens, Jon Dron and Cindy Xin (eds), *World Conference on E-Learning in Corporate, Government, Healthcare and Higher Education (ELEARN)* (2009) 2236, 2242–3.

³² *Ibid.*

A *The Present Research*

The present research involved a group of rurally-located lawyers attending a continuing professional education seminar delivered by synchronous video link. We aimed to test the stability and reliability of synchronous videoconferencing as a medium for delivering continuing legal education content, and to assess the learning outcomes of the participants. The seminar was held at the University of New England in Armidale, NSW, with a live synchronous video link to the Tandberg Australia office in Sydney. Mr Steve Mark, the NSW Legal Services Commissioner,³³ delivered the seminar in Sydney. The topic of the seminar was ‘Ethics and Professional Responsibility’, a unit which New South Wales solicitors are currently required to complete under the Solicitors’ Rules as a part of their annual mandatory continuing legal education requirements.³⁴ Invitations were sent to all solicitors within the North and North-West region, though the vast geographical area that this region covers meant that it was only practical for lawyers from nearby areas to attend. Participants attended from a range of areas within a 100 km radius of the University, including from Armidale, Tamworth, Walcha, and Glen Innes.

The design of the research involved the researchers undertaking pre- and post-surveys of the participants. In the pre-survey, participants were asked about their previous experience with videoconferencing, their views on the technology, their satisfaction with their access to continuing professional education opportunities, and their assessment of any benefits associated with using advanced technologies, such as synchronous video technology, to access continuing professional education. They were also asked for background information about their length of time in practice, their age and gender. On completion of the seminar participants were asked to complete a short survey of their experiences of the session delivered via synchronous videoconferencing. Opportunities for informal networking amongst practitioners were provided both before and after the seminar. Additionally, a question was asked about whether the participants would attend further

³³ The office responsible for receiving and investigating complaints about the conduct of solicitors and barristers in New South Wales: <http://www.lawlink.nsw.gov.au/lawlink/olsc/ll_olsc.nsf/pages/OLSC_index>.

³⁴ According to advice from the NSW Law Society, invitations contained the following information: ‘This session will allow participants to claim one point of MCLE for Ethics under Rule 42 of the Solicitors’ Rules. Practitioners should note that seminars and other CLE/CPD activities are not accredited by the Law Society of New South Wales. Under the MCLE/CPD Rules and Guidelines, if this particular educational activity is relevant to your immediate or long term needs in relation to your professional development and practice of the law, then you should claim one “unit” for each hour of attendance, refreshment breaks not included.’

continuing professional education seminars delivered via video technology. Participants were asked to use a rating scale of 1–10 with 1 being ‘not at all’ and 10 being ‘yes, definitely’.

IV RESULTS AND DISCUSSION

A Results

There were 13 participants (9 male, 4 female) from the region who completed the pre- and post-survey forms. The participants ranged in age from 25 to 62 years of age with the mean age being 41 years. The mean age of male participants was 45.5 years whilst the mean age of female participants was 30 years. Half of the participants had had more than 10 years of legal practice. For all of the participants it was a first-time experience of attending a continuing legal education seminar presented via synchronous videoconferencing technology (though more than half the participants had experienced videoconferencing in some other capacity, such as remote meeting attendance).

Participants were asked to rate the seminar presentation from several perspectives. These included: Content satisfaction; Method of delivery; Ability to hear and see speaker; Participation in the seminar; and Participation in future videoconference delivered seminars. Participants were asked to rank their response on a scale of 1–10 with 1 being extremely unsatisfied and 10 being extremely satisfied. Overall results were Content satisfaction: 9 (Range from 6–10); Method of delivery: 8.6 (Range 6–10); Ability to hear and see speaker: 10 (Range 10); Participation in the seminar: 9.3 (Range 7–10); Participation in future videoconference delivered seminars: 9.6 (Range 6–10).

From the perspective of the participants, the use of synchronous video technology was a successful alternative to attending a continuing legal education seminar in face to face mode. Overall, an average satisfaction rating of nine out of ten was given by participants. A slight latency at some points in the presentation was noted, though this did not appear to be too disruptive for participants. Latency is a common feature in videoconferencing, even with high speed connections, and, whilst the latency was about 0.25 of a second or less, it was noticeable in the live question and answer session. It was observed, nonetheless, that the quality of the narrative and the experience of the speaker in using video technology to deliver presentations aided in ensuring a high quality presentation overall.

From the presenter's perspective, the presentation was set up with the camera in line with the monitor to ensure that the far-end audience had a face-on presentation. The presenter had far-end control of the camera, allowing zoom, pan and tilt to focus in on specific members of the audience in the question and answer segment. The audio quality at the near-end for the presenter was clear and this was in part due to the ceiling-mounted microphones at the audience end, as well as the quality of the call connection.

Delivery was by oral presentation with no slides or data presented, and all participants indicated that they could clearly see and hear the presenter. The fact that it was a 'talking head' presentation may have been the reason for the lower rating of the *Method of delivery*. Nonetheless, qualitative comments made by the participants included '*quality presenter*', '*speaks very well*' and '*engages the audience*'. Typically, videoconferencing is a tool that can utilise much more than the 'talking head'. The capacity to interface a computer with the videoconference unit enables data sharing, PowerPoint presentations, video clips, the display of images and technical drawings and animations. Limitations are imposed by the presenter's capability in the use of data-sharing as well as the presenter's experience of use of the medium, and the quality of connection available.

A second component of the room set-up was also perceived to restrict virtual engagement with the presenter, perhaps further explaining the slightly lower rating for *Method of delivery*. Rather than the camera being aligned with the screen, so that when the audience looked at the presenter the presenter would see a front-on view of the audience, the camera was set off to one side, thus giving a side-on profile view of the audience to the presenter. Some audience members reported that this was a slight distraction (as they too could see the remote view that the presenter saw on the main overhead screen). This type of room set-up occurs when lecture theatres or videoconference spaces are arranged as if they will only *deliver* content to a virtual space rather than deliver and *receive* synchronously from a virtual space. Any space set-up that uses synchronous videoconferencing must allow for the placement of cameras so that any remote presenter, in particular, is able to view the audience front-on.

Despite these issues, participants were generally satisfied with the content of the presentation. The session was quite interactive, with numerous questions and comments raised by the participants both throughout the seminar and at the end of the presentation (in fact exceeding the time allocated for the question and answer session). An average score of 9.3 out of 10 was given by participants for participation, indicating a high degree of satisfaction with the level of interaction in the seminar. Questions were moderated to ensure that

only one person spoke at a time, and to ensure that the microphones (in this instance, the ceiling-mounted microphones) did not distort the sound quality. An interesting observation of the presenter was that more questions were received from participants in the synchronous videoconference delivery mode than in past presentations delivered in person by the presenter. The questions touched upon quite sensitive ethical conundrums, some posed hypothetically and in a few cases posed as actual scenarios which had been faced by the practitioners present. One possible explanation for this openness of the participants is that the synchronous videoconferencing medium offered a little more anonymity than a face to face presentation. Given the status of the presenter, this perceived anonymity perhaps gave the participants the confidence to raise such sensitive issues for public discussion. Research also indicates that the videoconferencing medium tends to engage the remote audience rather than disengage them.³⁵

Utilising an industry partner's videoconference suite ensured ease of access for the presenter who was located in the CBD, which was vital given the presenter's busy schedule. As this technology becomes more accessible, it will be possible for such sessions to be delivered from a presenter's own desktop and received by participants from their own videoconference units in their offices or chambers, or even from their home computer, particularly when using a videoconference desktop application. Multi-point desktop videoconferencing is becoming increasingly popular, but requires connection speeds that ensure quality of call and minimise packet loss of video or audio. The rollout of the National Broadband Network, which promises higher data speeds via fixed fibre services and next generation wireless technology for all Australians, will presumably improve access to such services, particularly at the home and small office user end. With inconvenience to presenters reduced through such media, it should be easier to engage high profile and high quality speakers to present to regional areas, something that has previously been rendered difficult by the busy schedules of such speakers and the extensive time required to travel to distant locations for a brief seminar.

With regard to the audience participants, it was decided by the researchers that, in order to create a community of participants who would experience the videoconference as a group, the design of the project was to locate the far-end audience of participants in a single location (in this case, Armidale, as the videoconferencing facilities at the University of New England were available for use). This also provided an opportunity for the briefing and debriefing of

³⁵ Diane Howard, *Enhanced by Technology, Not Diminished: A Practical Guide to Distance Communication* (McGraw Hill, 2002).

the participants as well as to gain feedback about the potential opportunities to participate in further trials for the purposes of this research project.

However, the technology is certainly available to allow multiple connections to a central 'bridge' so that participant groups in a variety of locations can be part of the synchronous videoconference. This occurs with multipoint desktop videoconferencing³⁶ and is a common feature of typical videoconferences conducted by the National Institute of Education in Singapore.³⁷ There, desktop videoconferencing involves four of five students at different schools and one staff member at the Institute. These conferences provide opportunities for professional sharing between staff and students without the limits of time and space which are traditional constraints on conventional teaching practice.

Responses from potential participants who reside in areas located more than one hour's drive time from Armidale indicated a market for this type of service. They indicated that they wanted to participate in the conference, but chose not to do so because of the travel time that would have resulted in missed work opportunities (given the time of day the session was conducted and the need to travel back to their town after the session). For some participants travel to another regional location to participate in a videoconference training session is as inconvenient as travelling to a metropolitan area. Above all, practitioners throughout the region indicated that programs needed to be accessible from within a short radius of their home town to be of any benefit to them, as the choice to participate is normally determined by travel, time lost and cost. Future studies are planned which will include multiple group connections to a central bridge, as well as multipoint desktop applications from participants' personal computers, as noted above.

This initial research focused upon the delivery of legal education content as required under the mandatory continuing legal education rules in NSW. However, given that certain issues are specific to regional legal practitioners, further research is required to explore the ability of synchronous video technology to address these. Continuing professional education opportunities in law are usually targeted at updating professional knowledge — knowledge of specific practice areas such as litigation, wills, conveyancing, criminal law and so forth — though some jurisdictions (such as New South Wales) now require the completion of more general modules in topics such as ethics and

³⁶ Leslie Sharpe et al, 'Multipoint Desktop Videoconferencing as a Collaborative Learning Tool for Teacher Preparation' (2000) 40(5) *Educational Technology* 61, 61–3.

³⁷ Lachlan Crawford et al, 'Multipoint Desktop Videoconferencing in Teacher Education: Preliminaries, Problems and Progress' (2002) 30 *Asia-Pacific Journal of Teacher Education* 67, 70.

business practice. Given the unique contextual factors of regional legal practice, there also exists a need to extend greater support to regional practitioners on topics such as the management of rural and regional practice, the family or health and welfare issues of rural and regional legal professionals, and the particular problems facing rural and regional professionals living in small communities where complementary services are lacking.

Many law societies already offer support on issues such as ethics and disputes, usually via a telephone counselling service,³⁸ as well as being a point of contact for a range of mental health services for lawyers.³⁹ There is scope to enhance these services through the use of synchronous video technology, enabling further delivery of material as well as professional-to-client, professional-to-professional, and professional-to-expert dialogue on concerns outside of the substantive details of legal practice. One could draw on a number of examples from other professions that use synchronous videoconferencing to engage experienced professionals in the support particularly of pre-service professionals and interns.⁴⁰ In addition, to enhance the quality of professionals in training, several projects have used synchronous videoconferencing for the supervision of practica and in the support of pre-service professionals whilst they are undertaking professional experience.⁴¹ With the increased uptake of this technology, there exists a real potential to extend greater services to regional-based legal practitioners, addressing some of the often overlooked aspects of the personal welfare of practitioners in non-metropolitan areas.

V CONCLUSION AND PROPOSED ACTIONS

There are many challenges associated with regional practice, not least of which are the difficulties associated with geographical distance from services and infrastructure (such as court services and law libraries). This distance contributes to feelings of professional isolation.⁴² Using synchronous video technology to provide regional lawyers with better access to professional development opportunities, as well as to other support services, is one way in

³⁸ See, eg, the Law Society of New South Wales, *Ethics Advice Line* <<http://www.lawsociety.com.au/ForSolicitors/professionalstandards/Ethics/Ethicshelpline/index.htm>>.

³⁹ See, eg, the Law Society of New South Wales, *Supporting You* <<http://www.lawsociety.com.au/ForSolicitors/professionalsupport/supportingyou/index.htm>>.

⁴⁰ Winn, above n 31.

⁴¹ *Ibid.*

⁴² Mundy, above n 2, 14.

which some of these challenges may be overcome. The technology is available and accessible in many regional areas, and the promise of a National Broadband Network will only increase the availability of such services. What is required is for providers of continuing legal education, as well as of support services for lawyers, to think more creatively and strategically about the delivery of their services. Practitioners in these areas must also be willing to embrace the technology, and our results are favourable in this regard, with many of the participants in our research indicating that they would participate again in continuing legal seminars delivered by videoconferencing technology.

We would recommend the following actions:

1. That an expanded trial be considered that allows for lawyers to connect to an internet protocol address where the presenter is located. They would connect from several regional access centres that have videoconferencing equipment. The trial would include a survey of participant views about use of the medium for professional development purposes;
2. That a further expanded trial be considered that allows access for those lawyers wanting to link to a videoconference session from their own desktop computer. It too would include a survey of participant views about the use of the medium for professional development purposes;
3. That appropriate training and support be provided to presenters to ensure that they can use the medium competently for pedagogical purposes, maximising the capabilities of the technology to ensure high quality presentations with scope for audience interaction at all times;
4. That providers of continuing legal education seminars in metropolitan areas (particularly those connected with the various state and territory Law Societies) investigate the feasibility of extending their services to practitioners in non-metropolitan areas via videoconferencing technology;
5. That assistance be offered to lawyers in regional locations to gain access to videoconferencing facilities either at an access centre (potentially organised through a regional practitioner organisation) or via personal desktop videoconferencing. Such assistance may range from promoting the availability of the technology and educating

practitioners about its capability to providing centrally funded access to technological 'hubs'. It might also include the organisation of discounted hardware and software purchases as a membership benefit of an industry association;

6. That providers of support services for lawyers consider the potential of videoconferencing technology to expand their support for regional practitioners. The technology might be used for the delivery of materials, and the facilitation of peer-to-peer and peer-to-expert dialogue with a view to improving interpersonal and management skills, and personal and family welfare. (The latter of these is important, given the challenges of rural life.) Sensitive issues such as ethics and disputes might also be addressed in this way.

The authors consider that it is beneficial for regional, rural and isolated lawyers to be able to engage in professional education through videoconferencing. Videoconferencing provides a sense of community (albeit virtual) in that regional lawyers can be part of a synchronous connection with other lawyers from similar locations. The medium of videoconferencing overcomes the tyranny of distance, allowing individuals to link to each other, wherever they may be physically located. But such use of videoconferencing depends on the availability of networks that provide high-speed upload and download of data, the availability of technical support to assist participants and presenters, and the willingness of providers to find new ways to reach regional practitioners. Given that some continuing legal education providers are commercial entities seeking a profit, the existence of this willingness may in some cases be dictated by mercantile realities rather than an obligation to provide a 'service' to a membership base. Whilst the current small-scale pilot study elicited very positive feedback from participants, far more extensive trials need to be undertaken in a range of settings. Only then can the benefits that this technology may bring to regional legal practitioners be fully appreciated.