



PROFESSION BRIEF – SOLICITOR COMMERCIAL LITIGATOR & MEDIATOR

1. What this job actually is

- Represents businesses and individuals in commercial disputes such as contract breaches, shareholder disputes, insolvency matters, and professional negligence claims.
- Day-to-day work includes drafting court documents, reviewing evidence, advising clients on risk, negotiating settlements, and preparing for hearings or mediations.
- As a mediator, facilitates structured negotiations between disputing parties to help them reach a legally binding resolution without going to trial.

2. Where this role typically works

- Private law firms (boutique litigation firms to large national or international firms)
- In-house legal teams within corporations
- Government legal departments and regulatory bodies
- Insolvency and restructuring firms
- Chambers or private practice as an accredited mediator
- Alternative dispute resolution centres

3. How people usually get into this role

- Complete a Bachelor of Laws (LLB) or Juris Doctor (JD).
- Undertake Practical Legal Training (PLT).
- Gain admission as a solicitor through the relevant Supreme Court.
- Start in graduate or junior solicitor roles, often in general practice or dispute resolution teams.
- Progress into commercial litigation through supervised case work and increasing responsibility.

Entry into commercial litigation typically requires formal legal qualification and admission, as employers expect both academic training and supervised practical experience before handling matters independently.

4. Alternate or less-traditional pathways

- Career changers complete a JD after working in business, accounting, or compliance.
- Transition from roles such as paralegal, legal assistant, or law clerk.
- Professionals from accounting, finance, or insolvency move into litigation focused on commercial or corporate disputes.
- Experienced solicitors may later train as accredited mediators to diversify or reduce court-based work.

5. Qualifications and training

- Required:
 - LLB or JD
 - Practical Legal Training
 - Admission as a solicitor in an Australian jurisdiction
 - Practising certificate from the relevant Law Society
- Mediator accreditation (e.g. National Mediator Accreditation System in Australia) required to practise formally as a mediator.
- Experience cannot substitute for admission as a solicitor, but prior commercial experience can strengthen employability.
- Pathways differ internationally. Each country has its own admission process.

6. Skills that matter in practice

Technical skills

- Legal research and statutory interpretation
- Drafting affidavits, pleadings, submissions, and settlement agreements
- Understanding court procedures and evidence rules
- Risk analysis and commercial awareness

Transferable skills

- Clear written communication
- Client relationship management
- Negotiation and persuasion
- Time and file management

Often underestimated

- Emotional regulation under pressure
- Commercial judgement, not just legal knowledge
- Managing demanding clients and unrealistic expectations

7. Interests and traits that fit well

- Comfortable with structured argument and detailed documentation
- Tolerant of conflict and adversarial environments
- Persistent and patient with long-running matters
- Able to separate personal feelings from professional disputes
- Thrive in deadline-driven settings
- May struggle if you dislike confrontation or sustained desk-based work

8. “This job is for you if...”

- You are interested in how businesses manage risk and resolve disputes.
- You can read large volumes of material and extract key issues quickly.
- You are comfortable speaking in formal settings such as courtrooms or mediation rooms.
- You accept that early career years can involve long hours and administrative tasks.
- You are prepared for slow career progression tied to reputation and results.

9. This role may NOT suit you if:

- You prefer predictable hours and low-pressure environments
- You dislike conflict or adversarial situations
- You are uncomfortable with high workloads and billing expectations
- You want fast progression without long periods of skill development

10. Things people are often surprised by

- Most disputes settle before trial. Court appearances are less frequent than TV suggests.
- Significant time is spent on drafting and document review rather than arguing in court.
- Billing targets and financial pressure are common in private firms.
- Stress levels can be high when client finances or reputations are at stake.

11. Labour market reality

- Entry into commercial litigation is highly competitive, particularly in mid to top-tier firms
- Graduate roles are limited and often require strong academic results and relevant experience
- More opportunities exist in:
 - smaller or boutique firms
 - regional areas
 - government or regulatory roles
- Progression depends on:
 - technical legal ability
 - commercial judgement

- ability to manage clients and generate work over time
- Many lawyers move out of litigation due to workload intensity and pressure

12. Useful next steps for exploration

- Arrange informational interviews with a commercial litigator and an accredited mediator to compare day-to-day work.
- Attend a local court or tribunal to observe proceedings.
- Complete short courses in negotiation or dispute resolution.
- Seek paralegal or law clerk roles within litigation teams.
- Review publicly available court judgments to understand the type of matters handled.

This brief is based on:

- practitioner insights from commercial litigation and mediation
- general legal industry structures and career pathways in Australia
- publicly available information on legal training and admission requirements

Information is current as of April 2026 and reflects industry insights and available data at that time.

This brief is designed to support career exploration. Experiences in commercial litigation vary depending on firm size, area of specialisation, and individual career progression.

More career exploration resources at [curatedcareers.com.au](https://www.curatedcareers.com.au)