

THE SYDNEY LAW SCHOOL REPORTS



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This is the fourth issue of *The Sydney Law School Reports*, designed to allow the Law School to keep our graduates, students and supporters informed about some of our activities on a regular basis.

A focus of this issue is the many activities of the Centenary celebrations in 1990. A review of the year's events appears at page 16.

One of the fruits of our centennial year was the publication, in April this year, of *A Century Down Town: Sydney University Law School's First Hundred Years*. Readers will find much of interest in this generously illustrated book. We are very fortunate in having, as a result of the energy and skills of John and Judy Mackinolty, this historical and personal record of the Law School and of those who have been associated with it from 1890 to 1990. John and Judy's account of the planning and production of this book, together with an extract recounting the history of women at the Law School, may be found at pages 7 to 10.

The Centenary also saw the establishment of the Sydney Law School Foundation. In an open letter to friends and supporters published on page 29, Sir Laurence Street, President of the Foundation, describes the very important ways in which the generous support already received — over \$2 million in pledges and commitments to date — will be used to support and extend the Law School's activities.

The success of the Centenary celebrations is to a large extent due to the leadership and remarkable energies of our Dean, Professor James Crawford. James' impending departure to take up the Whewell Chair of International Law at the University of Cambridge is reported at page 19.

James came to us from Adelaide University in 1986 to take up the Challis Chair of International Law. He immediately set about consolidating the School's long-standing reputation for excellence in International Law. He assumed the Deanship in 1990, at a time of change in this Law School and increasing pressures on universities from government. The School is very much in his debt. While we are very sorry to see him go, we of course wish him well in his new position and console ourselves that this appointment will help to consolidate the close links that have existed for some time between this Faculty and the Cambridge Law Faculty.

DAVID HARLAND
Editor, August 1991

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An Occasional Address by Mahla Pearlman AM, Partner, Sly and Weigall Solicitors and immediate past president of the Law Council of Australia, delivered at the Faculty of Law Graduation Ceremony, Saturday, 4 May 1990. The Hon David Selby AM ED, was awarded the degree of Doctor of the University at the Ceremony and his wife, Barbara, was made an Honorary Fellow.

It is a great privilege for me to be asked to give the occasional address today. This University is, of course, my alma mater, where I obtained my Arts and Law degrees more than thirty years ago. It is a special joy to speak at a law graduation, having been a practising lawyer all my working life.

It is nostalgic for me in another respect. Though I am sure he will not remember the fact, Mr Selby was once my lecturer in Family Law, or "Divorce" as it was called all those years ago. He was a fine lawyer even then and we respected him, although very often we were at pains to conceal our interest behind a studied façade of indifference to what we were learning. But if you want a role model for what is excellent in

the profession you have chosen, you should look no further than Mr Selby for an example. He has had a distinguished career, but one that has not been confined narrowly to the practice of law. Rather he has used his skills not only for his profession and for his clients but the community as well.



Mahla Pearlman at the Graduation Ceremony.

Which leads me to the theme of what I want to say to you, as graduates, today. I would like to make two observations about the legal profession which I hope will give you something to remember and to use as guidance in your years ahead.

What I have to say is not about the law which is portrayed by Victor Sfuente or Grace Van Owen. This is for you and it's real and it's a long way from "LA Law".

The first observation I want

to make concerns the erosion of service as the goal of the profession. It should be the aim of every true professional lawyer to use his or her skills in the service of clients. Service should be paramount. It should be the same whether you go out into the private profession or whether you become a government lawyer or whether you become a corporate counsel.

The problem is that service as a goal has been whittled away. It has been replaced by what I call "the bottom line syndrome" or, better still "profit myopia". Monetary reward seems to have replaced service as the goal of legal practice. One sees it in the large firms. There, performance is measured against billable hours, not against quality results. One sees it in small practices who blindly follow the big-firm example because they believe that big-firm lawyers make lots of money. One sees it at the bar, where some fees are set on an hourly basis, not on skill and service.

Self-serving lawyers are what the public sees. A few years ago, I heard an address by Professor Austin Sarat, an American lawyer and sociologist, on the subject of the public image of lawyers. He said:

There is...the suggestion that the public sees lawyers as being overly concerned with the financial side of their practice and as being more sensitive to financial concerns than others among the learned professions...the public thinks that advocates are, above everything else, interested in making money. Indeed, when in 1978 President Carter criticised the American legal profession

for putting its own interest above the interests of the public, two thirds of the American public thought that that criticism was fair and accurate.

When profit becomes the sole motive, adverse consequences follow. The practitioner feels forced to work extraordinary hours. One day, he or she realises that his or her spouse has been a single parent — the lawyer has worked all the time and the spouse has brought up the children alone. Worse still, it leads to "burn out"; young lawyers being unable to cope and wondering where all the joy has gone.

There is also the risk of becoming so involved in a client's affairs, in the frenetic chase for the dollar, that independent judgment is threatened or destroyed. As I have written elsewhere, the risk is that the lawyer becomes incapable of giving independent and honest legal advice, but compromises his or her duty under the pressure of keeping the client and promoting the business of the practice.

We must reinstate service as our goal. I can say this no better than William Reece Smith, an American lawyer whom I admire very much. He is a past president of the American Bar Association and a past president of the International Bar Association. I had the privilege of serving on that association when he was president. He said:

We lawyers must face the challenge of the 1990s with renewed commitment. Especially we must understand that we do not exist merely to make money and to live "the good life". We must remember always that we are members of an

"... should a lawyer tell a lie on behalf of, and as instructed by, a client?"

honourable, independent profession committed to the unselfish service of others.

Let me turn now to the other observation that I wish to make which is somewhat related.

Sometimes, in the hurly burly of daily professional life, one tends to forget the importance of honesty and integrity as principles which every lawyer should observe.

The precepts of honesty and integrity are the foundations upon which professionalism is based. They are the basis for the ethical rules which we, as lawyers, are bound to observe. It is the ethical rules which distinguish lawyers from plumbers.

In case you think I am labouring the obvious, I shall tell you a story. Quite recently, the Independent Commission Against Corruption investigated allegations of bribery amongst liquor licensing police in the Sutherland area. Some of you may have heard of the case. The substance of it was that a local hotel keeper was alleged to be making a weekly payment to a police officer in order to avoid prosecutions for liquor breaches. The point I want to make concerns a solicitor who was acting for the hotel keeper. At lunch somewhere (there is of course no free lunch) the hotel

keeper instructed his solicitor to write to an investigator examining the case and say that the weekly payments were made to the policeman as payment for an out-of-hours job, for surveillance services rendered round the hotel, that is, he was required to see that the staff were not stealing money or alcohol.

The allegation was that the solicitor knew to be false this story about payment for services rendered by the moonlighting policeman. In any event he wrote the letter as instructed.

The question which it raises is this — should a lawyer tell a lie on behalf of and as instructed by a client? Is it correct to say that a lawyer may, if his client instructs him or her to do so, lie to a third party?

It was this question that Mr Ian Temby QC, the Commissioner, raised with me. Certainly, he said, a solicitor, as an officer of the court, owes a duty not to mislead or deceive the court. But does this extend to others? May a lawyer say "I am instructed that such and such are the circumstances" when he or she knows that not to be true.

Clearly the answer is no. A lawyer must not lie even if instructed to do so. A lawyer must act honestly because that is the ethical principle upon which the profession is based. To do otherwise is a breach of the ethical obligation to act honestly and fairly and the lawyer runs the risk of sanction for professional misconduct.

I have not forgotten that there is a difference between knowing the facts to be a lie and suspecting the facts to be so. A lawyer is not judge or jury; it is not his or her role to decide on the veracity of his or her client.

But if, as was alleged in this case, the true facts are made clear and yet the lawyer is

"... honesty and integrity are the foundations upon which professionalism is based ..."

instructed to proffer the false ones, his or her duty is clear. He or she cannot lie.

The story I have told you is reasonably clear cut. But in matters of high finance or high

corporate undertaking, the dividing line between what is right and what is wrong is not so clear. When persons apparently of great influence and reputation give you instructions which are uncomfortably close to that dividing line, it is hard to resist on the grounds of high moral principle. Indeed it is often hard to know if high moral principle applies at all.

But resist you must. You must keep firmly in your mind what your duty is. It is to advise your client about the law and to apply the law as it is. If the law as it is gives your client a benefit, without deceit or dishonesty, so much the better. But if what your client wants to achieve can only be achieved by the application of fraud or

deception or dishonesty or double dealing then you cannot be a party to it. It is one thing to assist your client to reorganise his or her company structure to minimise tax consequences; it is entirely another to reorganise that structure so that the end product falls to the bottom of the harbour.

I have today spoken about these things because, from now on, your professional future is up to you. You have worked hard to achieve your degree and you deserve our praise. What I want you to do is to carry the profession forward. With service as your goal, and with a firm adherence to ethical standards, you will go from strength to strength. I congratulate you and I wish you well.

DEPUTY CHANCELLOR

PROMINENT LAWYER ELECTED DEPUTY CHANCELLOR

Sydney solicitor Mrs Daphne Kok was elected Deputy Chancellor of the University of Sydney at Senate's 3 June meeting.

Sydney University is now the only university in Australia to have both a female Chancellor (Emeritus Professor Dame Leonie Kramer) and a female Deputy Chancellor.

Mrs Kok, proprietor of the legal firm Wm Walker, Taylor, Edwards and Smith, was elected



Daphne Kok

unopposed to fill a vacancy left by Dame Leonie, the former Deputy Chancellor, for the remainder of the current term (until 3 February 1992).

Mrs Kok has previously served as Deputy Chancellor from 1986 to 1988. She holds Master of Laws and Bachelor of Arts degrees from this University, and was admitted as a solicitor of the Supreme Court of NSW in 1967. She is a former president of the Women Lawyers' Association of NSW and of the International Federation of Women Lawyers, as well as being an executive member of the International Commission of Jurists (Australian Section) and a member of the legal profession's disciplinary tribunal in NSW. During her student days she was President of the Women's Union at Sydney University.

Reprinted courtesy
The University of Sydney News

Reorientation of the Committee for Postgraduate Studies in the Department of Law

For many years, the Committee for Postgraduate Studies has been responsible for continuing education activities of the Law School and continues to be active in the field. The funds raised have been used for a variety of purposes over the years, most substantially in recent years to fund postgraduate scholarships and visitors under the "Parsons" scheme to the Law School (which provides a living allowance of \$100 per day for short term visitors).

The scholarships offered have in the past been for Sydney students to study overseas and for students from other universities to undertake studies at Sydney. With the greater availability of external scholarships available to Sydney students and the growth in the postgraduate offerings by the Law School it has been decided that the Committee's scholarships will be confined in future to study at Sydney. The scholarships will be named in honour of Emeritus Professor Ross Waite Parsons who was largely responsible for the large accumulations in the Committee's funds over the years. Approximately \$60,000 per annum will be available for three scholarship holders (to cover living expenses and fees). The current accumulations are sufficient to finance and index scholarships at this level for the indefinite future.

The number of visitors to the Law School has grown at a rapid rate in recent years to the

extent where "Parsons" scheme expenditures were growing out of hand. It has been decided therefore to limit the funds for this purpose in 1992 to \$20,000 and to adopt a more coordinated approach to the various ways in which visitors to the Law School can be financed (more on which below).

Staffing and Teaching Arrangements

The budget and planning difficulties involved in these areas were the subject of the 1990 "Head Notes" by David Harland. By 1992 it is hoped that the Faculty and Departments will have much greater control over their resources under the one line budget Faculty that is envisaged under financial devolution within the University.

A number of strategies are being developed in this context to make the work of the academic staff more rewarding and to put the planning of staffing and teaching on a longer term basis. In view of the regular turnover of staff, there are often unfilled positions available. Rather than use this money in an ad hoc fashion it is intended to introduce the practice of bringing in each year two visitors from other institutions (generally overseas universities) who will teach for a semester, assist in the development of courses and solve teaching shortages in particular areas. Most visitors at the moment tend to be short term (apart from the Allen, Allen & Hemsley Fellow)

whereas our staff get greater benefit from longer term visitors.

The allocation of teaching responsibilities will be based fully on staff teaching preferences so that it is unnecessary to "volunteer" staff for teaching in areas outside their interests. Overseas visitors, academics from other metropolitan universities and part-time teachers will be used to solve temporary teaching difficulties. Planning will be on a two year basis so that the timetable and subjects on offer for 1993 and 1994, say, will be settled (hopefully) by mid 1992. This will assist students greatly in choosing their courses as well as allowing courses to be offered once every two years rather than annually (an inevitable result of the growth in the number of courses).

It is also hoped that with the development of new teaching methods such as the Keller method and mastery learning (see page 24) and their incorporation into the Faculty mainstream that it will be possible to reduce face-to-face teaching hours and rationalise assessment burdens of staff.

The outcome of these measures, many of which seem relatively trivial in isolation, should be that staff are able to give more time to course development and research. While this will not solve the problems of the increasing financial sacrifices that academic staff have to make in forgoing alternative careers, it should allow them to devote more time to the activities that attracted them to the university in the first place.

RICHARD VANN
Head, Department of Law

A CENTURY DOWN TOWN

Former students and members of staff, both past and present, were among those who attended the launch of *A Century Down Town: Sydney University Law School's First Hundred Years* on 24 April 1991.

The book is the culmination of many years' planning, and provides an historical and personal account of Law School life from 1890 to 1990. John and Judy Mackinolty related their experiences as editors of *A Century Down Town* after the launch.

The idea of a book to celebrate the Law School's Centenary simmered away gently during the 1980s. Occasionally it would rise to the surface, be discussed, and then sink back again as other more urgent matters threatened to boil over.

One such emergence from the depths is particularly memorable. Late in 1984 Frank Hutley retired from the Court of Appeal and turned some of his apparently limitless energies towards the preparation of a Law School history. The Dean found himself presiding over a committee selected and driven by Hutley.

Meetings were most enjoyable and informative. Drawing on his long experience in the Law Faculty, Hutley would regale the members with stories about the School's past — many of which, unfortunately, were defamatory. The main



From left: Gordon Hawkins, Jane Swanton, Mr Justice Paul Stein, Judy Mackinolty, The Hon Justice Mary Gaudron and John Mackinolty at the launch of A Century Down Town.

danger seemed to be that he might commit the stories to paper and present them for publication. There is no doubt that Frank's untimely death robbed our publication of a certain edge.

The time eventually came when, if there was to be a book at all, it must begin to take shape. Market, format, contents, style and authorship each became vital issues.

Fifty years earlier the Jubilee Book had been an uneasy mix of greetings, story and learned articles. This model was not followed, and two publications were planned, a history and a collection of specialist articles.

A belief that illustrations are of importance in history writing determined the format to some extent so that pictures could be used as extensions to the text rather than as mere decoration or as a separate entity.

As to the text, a largely

chronological approach was favoured, and it was decided that the most convenient way to proceed was by Deanships. This created its own problems. Three Deans had dominated the relatively short history of the School. A twenty-year term for Cobbett, thirty-two for Peden, and twenty-seven for Shatwell meant three long chapters and some quite brief ones. However, given the difficulty of writing contemporary history and the danger of defamation writs the arrangement seemed suitable.

An institution such as the Law School exists in and for its students. But since World War II this has involved a cast of thousands to which it is difficult to do justice, especially as student-created records tend to be ephemeral. Lists of all graduates and the inclusion of as many illustrations of student activity as possible offered one way around the problem.

The then Dean, Colin Phegan, having selected and briefed the authors and asked us to edit the book and see it

though to publication, promptly vanished overseas. A wise move!

There were times when the publication seemed doomed. The death of a leading contributor, John Ward, and of our printer, Roger Barnes — and the hospitalisation of one of the editors who apparently took too literally the good luck admonition 'break a leg' — all proved serious setbacks. The disappearance overseas of more than one of our writers brought further delays, frantic FAX messages and the general despair of the editors.

A violent storm put the typesetters out of action for a week or so when their computer had an unwanted shower at a critical stage of production. The typesetters also moved premises during the preparation of page proofs, but managed to produce our work without delay.

All was not doom and disaster. The rediscovery of a cache of photographs of legal dignitaries and past law teachers acted as a spur to the search for further illustrations. The trouble is that law is not really photogenic nor visually

dramatic. Fortunately student tendencies to make fun of even such a serious profession as law resulted in a small collection of more active illustrations and cartoons to relieve the rogues gallery effect of mug shots of lawyers and judges past and present.

There were a number of high points. The discovery that the first Dean was not, as had hitherto been accepted, Professor Pitt Cobbett, was an exciting moment and justified the struggle to read handwritten minutes of meetings. The gradual emergence of the delightful personality of Archy Charteris, the perfect foil to John Peden, encouraged further searching and the joy of finding the casual photograph of this remarkable man.

Our authors provided us with some very happy moments, especially Bill Morison, for producing the longest contribution to the book ahead of all the other authors,

and John Bennett for his generosity in offering advice and criticism and for directing us to Margaret Hay's delicious memories of the Law School.

Some near disasters were averted at the last moment. Rapid checking of the index to get the book to the printer left a few errors, but the statutory index joke remained and we were just in time to correct the last entries which were grouped in the curious order Y, X, Z.

Final checking of the dyelines revealed a photograph set back-to-front. No problem normally, but in this case the printed caption to the photograph was also reversed. We also found that we had used the same photograph twice in the same section of the book — once in colour, once in black and white. Our patient printers, who appear not to have lost any of the sense of excitement in producing a book, saved the day. They also put up with visits to check the development of our 'baby' and seemed as pleased with the final result as we were.

PHOTOGRAPHIC ARCHIVES

SAY "CHEESE" PLEASE

Tracking down photographs and other illustrations for *A Century Down Town* must have been addictive. John and Judy Mackinoltz have now donated funds to the Law School to establish a photographic archive.

The aim is to preserve existing photographs, such as

those published in the *Sydney Law School Reports*, and collect others to fill the gaps in the School's pictorial record.

Perhaps you can help. If former and present students and staff have black and white prints or negatives, colour slides or colour prints of themselves, their friends, their activities, or the Law School itself, the Mackinoltzs would be delighted to include them in the collection.

If necessary, photos can be copied and returned to you.

Another area of great interest is law offices and barristers' chambers. There are no photographs of current or past city, suburban or country premises in which so many of our students spent their graduate years. Any such material will be welcomed — send them to the Mackinoltzs at the Law School.

FIRST WOMEN AT THE LAW SCHOOL

The following is an edited extract from "Learned Practitioners" by Judy Mackinolty, Chapter 3 in *A Century Down Town: Sydney University Law School's First Hundred Years*.

It has been claimed that the first woman student at Sydney Law School, Ada Emily Evans, was allowed to begin law courses only because the Dean, Pitt Cobbett, was on leave at the time. It has also been claimed that John Peden welcomed women students. It may be that because both of Peden's children



were girls he was more sympathetic to women students' ambitions. In spite of this, women students were rare in his time, with only 24 graduating in the 32 years of his deanship.

Until 1918, with the passing of the Women's Legal Status Act in New South Wales, it was not possible for women to practise law in the State and this must surely have acted as a very powerful deterrent to their entry to the Faculty. The battle to remove the sex bar from the legal profession, through deputations to the State government from a variety of women's organisations, became an annual event.

— continued on page 10

Left: Ada Emily Evans, the first woman graduate from Sydney University Law School (1902), though denied the right to enter the profession until 1918.

A CELEBRATION OF WOMEN

More than 100 women — solicitors, judges, barristers, academics and public servants — attended a function on Thursday, 8 November 1990, to celebrate the role of women in the history of Sydney Law School.

The evening, entitled "A Celebration of Women", was organised by the Women's Committee of the Faculty of Law, represented by the Pro-Dean, Dr Christine Chinkin, and Mrs Daphne Kok, Honorary Governor of the Law School Foundation and Deputy Chanc-



Marie Byles, first woman graduate to become a solicitor.

ellor of the University of Sydney.

The evening featured a film on the first woman to practise law in New South Wales, Marie Byles, BA (1921), LLB (1924).

Guest speakers included barrister Janet Coombs, Justice Jane Mathews, Daphne Kok and Katherine Evans, a young relative of the first woman to graduate from the Law School in 1902, Ada Evans.

Other guests included Jenny Mattila, President of the Women Lawyers Association of New South Wales, University medal-list and Senior Lecturer in the Law School, Margaret Allars, Beverley Caska of the New South Wales Law Reform Commission, and Professor Di Yerbury, Vice-Chancellor of Macquarie University.

— continued from page 9

In 1916 the annual conference of the Labor Party gave it strong support. By 1918, with New South Wales lagging behind the other States and soon to be left behind by England as well, the Bill was presented to Parliament.

It had previously won the support of the Sydney University Senate which in August 1918 had adopted a motion proposed by Mrs Catherine Dwyer: "That the Government be asked to pass legislation that will enable women to enter the legal profession". Not only was Professor Peden a Fellow of Senate at this stage, but the Chancellor was none other than Sir William Portus Cullen who, as acting Dean while Pitt Cobbett was overseas, had allowed Ada Evans to enrol in law. The proposed legislation had been amended to remove some of the more

"dangerous" or "impractical" elements such as admission of women to jury service. After the 16 years' battle, the Bill finally passed through Parliament with little debate.

But the legislation could not be said to have 'opened the floodgates' for the entry of women to the legal profession, or indeed to the Law School. Peden evidently did not actively encourage women to enrol in the Law Faculty, and numbers

remained low. Two women graduated in 1924. Marie Byles was admitted as a solicitor, while Sybil Morrison went to the Bar. In a conservative legal profession many women were to face difficulty in obtaining articles and, later, in finding employment with legal firms. Marie Byles could not find employment for six months after graduation, until she was assisted by Professor Peden. She was later to establish her own

law firm. Many women in this period did not seek admission to the profession but worked in other jobs, where their training and skills could be applied. Jean Malor, for example, became an editor with the Law Book Company, Olga Sangwell became librarian at the Parliamentary Library in Canberra, others entered the public service, the teaching profession or the business world.



Jean Malor, first woman to graduate with first class honours for the Law School, went on to become an editor with the Law Book Company. She admits to having read every High Court judgment since 1937.

Copies of *A Century Down Town* are available from the Law School.

SPANOS/MELROSE APPEAL

IN MEMORY OF NICK SPANOS AND STEPHEN MELROSE

On 27 May 1990 two young Australian solicitors were "accidentally" murdered by the IRA while on holiday in Holland — having been mistaken for British soldiers.

One of them, Nick Spanos, was a Sydney graduate. The other, Stephen Melrose, was a graduate of the Queensland University of Technology.

The London firm for which they were working at the time, McKenna & Co, is launching an appeal in memory of the two. Its aim is to endow two travelling scholarships to be awarded over the next few years to graduates

of the University of Sydney and the Queensland University of Technology, who wish to spend a year or so doing legal work in England.

Enquiries about the fund should be directed to the Senior Partner of McKenna & Co, Mr R M Malthouse (Mitre House, 160 Aldersgate Street, London, EC1A 4DD) or to the Dean's office at the Law School.

The publication in March this year of the first issue of Volume 13 of the *Sydney Law Review* marked the beginning of a new era for the Law School's journal.

In 1990, the Faculty of Law resolved that the *Sydney Law Review* would be published quarterly, beginning in 1991.

Previously, the *Review* had been published yearly, and since 1974 under the direct control of students of the Faculty. The change in frequency of publication required a change to these arrangements. A Faculty Editorial Board was established, assisted by a Board of Student Editors.

The March issue marked not only a change in the frequency of publication of the *Sydney Law Review*, but a substantial change in aims. Quarterly publication offers benefits of regularity and continuity, as well as the ability to publish significant and topical articles promptly.

Subsequent issues will give effect to this by carrying new

and original divisions for the contents of the *Review*. For example, a special segment, "Before the High Court", contains commissioned comments on issues arising in cases pending before the High Court of Australia.

Special issues of the *Review* devoted to particular topics, issues and themes will also be published as the opportunity arises.

The functions of a university law review in Australia today are significant, not only as a representation of the research and scholarship practised at the university but also as a forum for debate of moral, philosophical, economic, environmental and social issues. The *Sydney Law Review* provides such a forum for scholars in Australia and overseas, who have views which can be expressed through the *Review*. This emphasises that the *Review* is not concerned with lawyers' views or views about law in any narrow sense.

There are several implications for the content of the *Review*. First, as always, the *Sydney Law Review* welcomes contributions from writers in

other countries. Secondly, while traditional areas of law are still of concern to the *Review*, it will strive for greater diversity of content. The overall approach will seek to reflect both the wide range of readers and their interests and the broader perspectives of the law, its content and role today.

The *Review* is a refereed journal with an editorial policy on sexist and discriminatory language.

All the pre-publication work on the *Review* is performed by the Faculty through its recently established Publications Unit. The *Sydney Law Review* is now published by the Law Book Company on behalf of the Faculty.

Partly to acknowledge the significance of the Faculty's Centenary, and partly to acknowledge the significance of the change to a quarterly publication, the Law Book Company has given very generous financial assistance to the *Review*.

JOHN CARTER
Executive Editor

CONFERENCE

"Legal Liability and Professional Responsibility" is the title of a conference to be held by the *Sydney Law Review* on 17 October 1991 at the InterContinental Hotel, Sydney.

Speakers will include members of the Australian judiciary, eminent scholars from

Australia and the United States, and leading practitioners from New South Wales.

Although the speakers will be lawyers, the topic is of interest to all professional people and reflects the broad international interests of the *Sydney Law Review*. The concern of the Conference is not only the legal liability of those who give professional advice, but also the

ethical responsibilities of professional people such as lawyers and the problems of privacy, confidentiality, and "whistle-blowing" faced particularly by those in large firms.

The Conference is being sponsored by the Law Book Company. Enquiries to the Conference Secretariat, CPLI Pty Ltd, GPO Box 3471, Sydney 2001. Tel (02) 264 9666.

LAW FACULTY OFFERS NEW COURSE IN WELFARE LAW

As part of an expansion of research and teaching in Welfare Law, a course on Social Security Law was introduced this year at the Law School. The course is being taught by Professor Terry Carney who took up his appointment at the beginning of the year.

The Faculty planned to introduce the Social Security Law course several years ago but only now, with the appointment of Professor Carney, could the course be implemented.

Professor Carney, who was previously Associate Professor in the Law Faculty at Monash University, is a recognised authority in social security law, policy and administration, ethical and legal issues in guardianship, drug abuse and the law, and many other aspects of welfare and child welfare legislation.

In 1985, as Chairman of the Victorian Child Welfare Practice and Legislation Review Committee, Professor Carney presented a three-volume report entitled *Equity and Social Justice for Children, Families and Communities*. This included a draft Bill which has been enacted in stages culminating in the comprehensive *Children and Young Persons Act 1989*.

In 1992 Professor Carney plans to introduce a course on Ageing and Disability and the Law — the first course in this



Professor Terry Carney

field in Australia — which he views as a significant area given the changing demographic composition of the Australian population. "In North America this course is regarded as a basic building block in legal training", he says. Professor Carney has completed significant work in this area and is currently evaluating the impact of recent reforms in Victoria and New South Wales Law for aged and disabled people.

Professor Carney's major field of interest is welfare law.

...law should be taught in a social context to meet emerging social and community needs.

He believes law should be taught in a social context to meet emerging social and community needs. Within the current curriculum he intends to highlight child welfare law, mediation techniques, protective options for children in need and the wide-ranging area of abuse,

both physical, sexual and emotional.

"The evidence suggests some increase in child abuse in recent decades", he said. "There is, however, not a dramatic explosion. It is encouraging that the community generally appears more caring about children and their needs." He is the present Chairman of the Board of the Institute of Family Studies, a national body established in 1981 under the Family Law Act. This year Professor Carney is extending the Faculty's course Family Law 2 to include child protection and young offenders.

Referring to the increasing proportion of women attracted to legal studies in the past four to five years throughout Australia, Professor Carney said the number of female honours students had risen dramatically and women were top achievers at both undergraduate and postgraduate level. There was, however, no gender basis in student selection of courses in juvenile law and social security law.

Professor Carney is a graduate of Melbourne University and has a PhD from Monash University. He has held many government and professional positions including Member of the Social Security Advisory Council and Chair of the Working Party overseeing the rewriting of the Commonwealth Social Security Act; Chairperson of the Victorian Advisory Committee to Health Legislation Review, the basis for the *Health Service Act 1988* and *Health (General Amendment) Act 1988*; and Member of the Commonwealth Social Security Appeals Tribunal.

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The University of Sydney News

Appointments

Christine Chinkin appointed Pro-Dean from 14 August 1990, reappointed from 1 March 1991 to 31 December 1992.

Richard J Vann appointed Head of the Department of Law from 1 March 1991.

Alex Ziegert appointed Head of the Department of Jurisprudence from 1 January 1988, reappointed 1 January 1990.

John P Ball appointed Associate Dean (Undergraduate).

Diane Skapinker appointed Associate Dean (Undergraduate).

Lee Burns appointed Associate Dean (Postgraduate).

Belinda Bennett, BEc (Hons) (Macq), LL.M (Wiscon), appointed Lecturer in Law.

Terry Carney, LL.B, DipCrim (Melb), PhD (Monash), appointed Professor of Law.

Christopher Cunneen, MA (Syd), BA, DipEd (NSW), appointed temporary Lecturer in Law.

Bernard Dunne, BA, LL.B (Macq), appointed temporary Lecturer in Law.

Gail Evans, BA (Syd), DipEd (UNE), LL.B (UTS), appointed Tutor in Law.

Conita Leung, BA (Biochem) (Mass), BA, MA (Cambridge), appointed temporary Lecturer in Law.

Therese MacDermott, LL.B, BA, (Qld), BCL (Oxf), appointed fixed term Lecturer in Law.

Barbara McDonald, LL.B (Lond), BA, LL.M (Lond), appointed temporary Lecturer in Law.

Kathryn McMahon, BEc, LL.B (Syd), appointed temporary Lecturer in Law.

Thomas Musgrave, BA (Windsor), LL.B, BCL (McGill), LL.M (Melb), appointed fixed term Lecturer in Law.

Irene Nemes, BA, LL.B (NSW), appointed fixed term Lecturer in Law.

A L Reeves, BA (Syd), MA (New Eng), PhD (Berkeley), JD (Stanford), appointed Senior Lecturer in Law.

Donald Rothwell, BA, LL.B (Qld), LL.M (Alberta), MA (Calgary), appointed Lecturer in Law.

Robert P Austin was appointed Visiting Professor in Corporation and Securities Market Law in 1990 and has been reappointed in 1991.

Promotions

John Carter and Alex Ziegert were promoted to Associate Professor.

Wojciech Sadurski was promoted to Reader.

Diane Skapinker and Jennifer Stuckey-Clarke were promoted to Senior Lecturer in Law.

Resignations

James Crawford has submitted his resignation as Dean of the Faculty of Law and Challis Professor of International Law, effective from February 1992 and March 1992 respectively, to take the Whewell Chair of International Law, at the University of Cambridge from 1 April 1992.

Anne Hurley resigned to join the firm Abbott Tout Russell Kennedy from 22 February 1991

Katharine Grevling resigned to take up a Lectureship at Exeter College, Oxford from 7 October 1991.

Andrew Michels completed his time with us and took up a judicial clerkship to a judge on the US Court of Appeal on 20 June 1991.

On study leave

Professor Colin Phegan — 19 July 1990 to May 1991

Stanley Yeo — 1 March to 31 December 1991

Margaret Allars — 29 March 1991 to 27 April 1992

Patrick Parkinson — January to July 1991

Jane Swanton — 10 June to 10 December 1991

Hilary Astor — 1 July 1991 to 31 January 1992

Graeme Cooper — 1 July to 31 December 1991

Rosalind Atherton — 1 July to 31 December 1991

Jennifer Stuckey-Clarke — 21 July 1991 to 27 April 1992

On leave

Associate Professor Patrick J O'Keefe — August 1990 to July 1992

Lyndel Prott — August 1990 to July 1992

Julie Stubbs — 24 July 1990 to 12 July 1991

Visiting Fellowships

Professor Norbert Reich, Professor of Law at the University of Bremen and Managing Director of the Centre of European Legal Policy at the University of Bremen, is the Allen Allen & Hemsley Visiting Fellow for 1991. He will be with us from 22 July to 15 December 1991. He is well known, among other things, for his work on the law of the European Communities, comparative and EC consumer law, and the legal regulation of business.

Professor E Hondius was the Allen Allen & Hemsley Visiting Fellow for 1990. He is Professor of Civil Law at Utrecht University, The Netherlands, and a graduate of Leyden and Columbia Universities. His special areas of interest are Civil Law, Comparative Law and Consumer Law.

Professor Wojtek Lamentowicz was Visiting Professor in the Department of Jurisprudence from 20 February to 30 June 1991. He is Professor of Legal Philosophy at the Warsaw University Law Faculty, Director of Research and Studies at the Institute of Political Studies of the Polish Academy of Science and President of the Foundation for International Initiatives. He is also on the Board of Directors of the New York based Institute for East West Security Studies.

Professor A Easson was a Visiting Professor in the Department of Law from 13 July

to 30 November 1990. He is Professor of Law at Queen's University, Kingston, Ontario and a graduate of Oxford and the London School of Economics.

Visitors to the Faculty from August 1990 to May 1991

Professor Sun Kong-Tsai of the Zhongnan Institute of Politics & Law, Wuhan, China, from 14 to 25 August 1990.

Professor Lucinda Finley of the University of Buffalo, from 10 to 19 August 1990.

Professor William Neilson of the University of Victoria, from 21 August to mid September 1990.

Emeritus Professor Goldie, Director of the International Legal Studies Program at Syracuse University, from 27 August to 14 September 1990.

Professor Emil Hayek of the University of Ottawa, from 17 to 21 September 1990.

Geoff Marston of Sidney Sussex College, Cambridge, from 23 to 28 September 1990.

William Spong Jr, of Old Dominion University, 1990 Menzies Lecturer, from 11 to 14 October 1990.

Judge Roney of the United States Court of Appeal, from 8 to 9 November 1990.

Professor Donald MacDougall of the University of British Columbia, from 12 to 16 November 1990.

Professor David Cruickshank, Director of the Professional Legal Training Course, Continuing Legal Education

Society of British Columbia, from 7 to 10 October 1990.

Professor Garry Watson of Osgoode Hall Law School, from 22 to 27 October 1990.

Phillip Epstein, QC, Epstein Cole, Toronto, from 4 February to June 1991.

Professor Claire Young of the University of Western Ontario, from 21 to 28 February 1991.

Professor Paul Miller of Loyola Law School, from 4 to 10 March 1991.

Professor Wolfgang Hoffmann-Riem of the University of Hamburg, from 7 to 14 March 1991.

Professor Marc Steinberg of Southern Methodist University, from 14 March to 16 April 1991.

Professor Hugh Corder of the University of Cape Town, from 18 to 25 March 1991.

Professor Peter Wesley-Smith of the University of Hong Kong, from 18 to 28 March 1991.

Professor John McCrory, Associate Dean for Academic Affairs, Vermont Law School, from 14 to 28 April 1991.

Professor Brian Comerford of Brooklyn Law School, from 22 to 28 April 1991.

Professor Christopher Slobogin, College of Law, University of Florida, from 30 April to 3 May 1991.

Professor Richard Speidel, Beatrice Kuhn Professor of Law at Northwestern University, Chicago, from 22 to 24 May 1991.

Moirá McConnell of Dalhousie Law School, from 9 to 19 May 1991.

Professor Vaughan Black of Dalhousie Law School, from 27 to 31 May 1991.

ASSA FELLOWSHIP FOR DR SADURSKI

At the 1990 Annual General Meeting of the Academy of Social Sciences in Australia, Dr Wojciech Sadurski, Reader in the Department of Jurisprudence in the Faculty of Law, was elected a Fellow (FASSA).

Dr Sadurski has been a member of the Department of Jurisprudence of the University of Sydney since 1981, with breaks at the Australian National University and the University of Melbourne Faculty of Law. His two books in English, *Giving Desert its Due: Social*



Dr Wojciech Sadurski

Justice and Legal Theory (1985) and *Moral Pluralism and Legal Neutrality* (1989), continue to attract the most favourable national and international attention and are rapidly entering the higher levels of jurisprudential discussion.

Dr Sadurski has contributed on a variety of topics connected with justice — affirmative action, rights, contractualism

and the relation between law and morality — to leading journals and edited volumes. In 1978, he had received the prestigious *Panstwo i Prawo* prize for the best doctoral thesis submitted in Poland in 1977; in Australia in 1988, he received the Academy's Award for Excellence in Research in the Social Sciences.

Since then, his reputation has only grown, principally through his scholarly writing and research, but also through his contributions to international scholarly contacts, seminars at home and abroad, the work of the International Association for Philosophy of Law and Social Philosophy of which he is currently Secretary-General.

Dr Sadurski is the second Fellow of the Academy in the Faculty of Law; Professor Tay is the other, elected in 1986.

QUEEN'S BIRTHDAY HONOUR FOR DR PROTT

Dr Lyndel Prott, Reader in Jurisprudence in the Faculty of Law, was among those who received a Queen's Birthday Honour on Monday, 10 June 1991.

She was made an Officer in the General Division of the Order of Australia (AO) for her services to environmental and cultural property.

Dr Prott has been on secondment since August 1990 as Head for two years of the Internat-



Dr Lyndel Prott

ional Standards Section of the Cultural Heritage Division of Unesco in Paris. Her position entails administering Unesco's cultural heritage conventions which is linked with attempts to halt the flow of illicit international trade in cultural objects.

Dr Prott, a world leader on the international law of cultural property, has contributed to a number of Unesco studies related to this subject. She and her husband, Dr Patrick O'Keefe, an Associate Professor in Law, are writing a five volume commissioned series about laws that protect cultural heritage in all countries. Two volumes have already been published, *Discovery and Excavation* and *Movement of Cultural Heritage*. The series is expected to be the main research tool for those working on international law and cultural property.

Article courtesy of
The University of Sydney News

THE CENTENARY



1990 marked the centenary of full-time teaching at the University of Sydney.

To commemorate the Centenary, the Law School has published two books — *A Century Down Town*, a generously illustrated history of the first 100 years of the Law School (see page 7), and *The Sydney Centenary Essays in Law*, a collection of essays written by scholars of the Law School.

Activities were planned for almost each month of the year and began on 28 February with a reception for 300 members of the legal profession in the Chief Justice's Gardens. This was followed by a staff student cricket match on 11 March.

Both the Centenary and the Law School Foundation were launched at a reception in



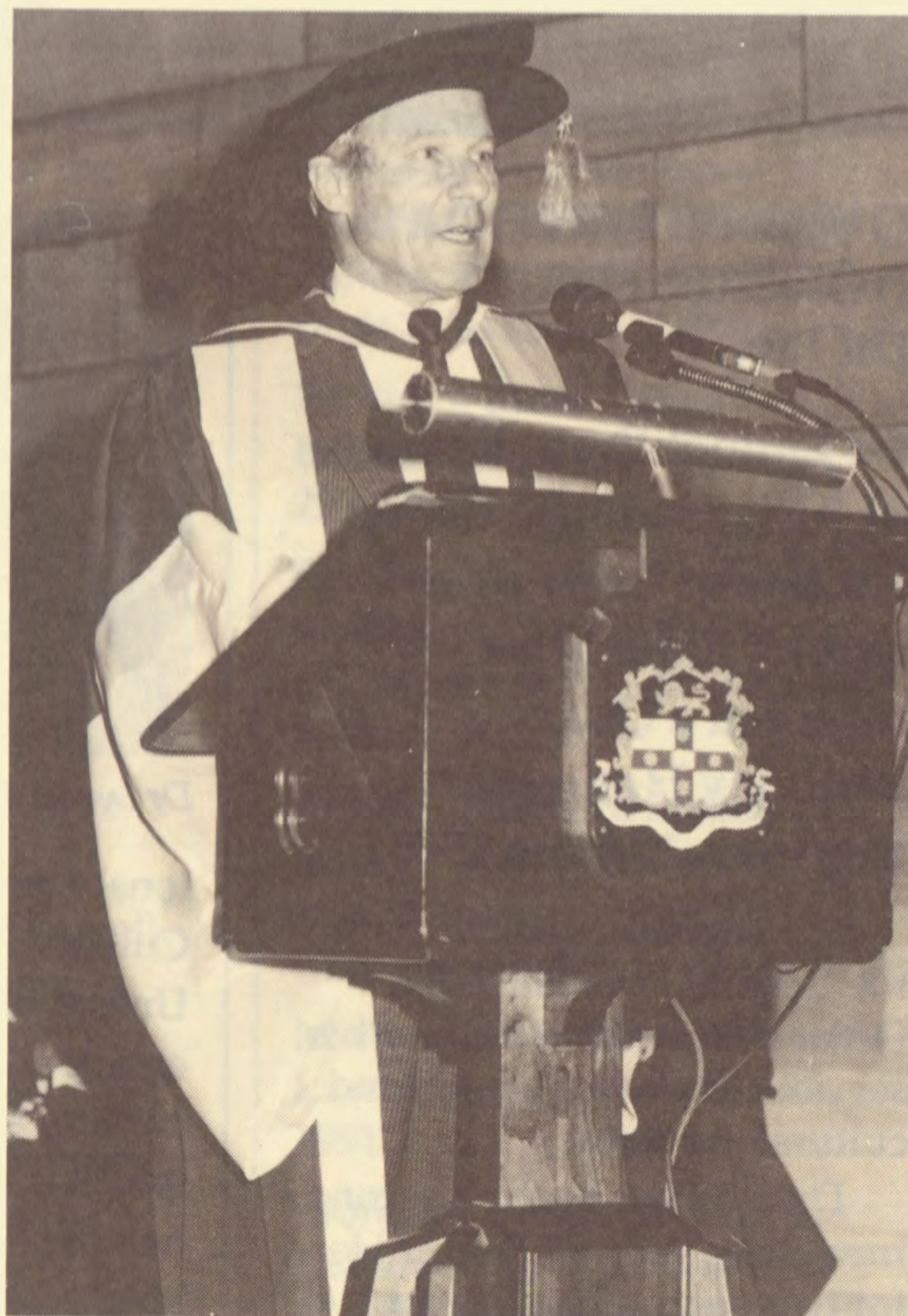
Top left: Justice Elizabeth Evatt examines a copy of *A Century Down Town* with the editors, Judy and John Mackinolty, at the book's launch on 24 April 1991.

Left: Dr Lyndel Prott presents the winner's trophy to Peter Stokes, captain of the students' team at the end of the staff-student cricket match on 11 March 1990.

Below: The Hon Sir Laurence Street AC KCMG, at the Special Centenary Graduation Ceremony on Monday, 27 August 1990.



Above: (from left) Students Tim Reilly, Bernadine Lai, Simon Evans, Saku Akmeemana, Antonia Apps and Elizabeth Jardine at the Centenary Graduation Ceremony supper in MacLaurin Hall.



MacLaurin Hall on 7 April. The students joined in the festivities in May with the organisation of a Graduation Ball. In July the Great Hall was the setting for a nostalgic dinner for former Editorial Committee members of the *Sydney Law Review*. A barbeque supper followed the staged Law Revue on 15 August and over 600 guests attended the Special Centenary Graduation and Supper later that month.

September and October saw most of the University's residential colleges hosting dinners for faculty members, students and former students. November was a month for reflection and nostalgia with "A Celebration of Women" on 8 November and the final function, a dinner for former and present staff and Faculty members in the Great Hall on 21 November attended by 230 people.



Above: Sir Anthony Mason, Chief Justice of Australia, addressing staff, students and friends of the Law School at the Faculty-Plus Centenary Dinner at the Great Hall on Wednesday, 21 November 1990.



Above: Members of the Law School staff, from left, Diane Hoggard, Nicola Franklin, Ross Anderson, Sally Spence, Orla McGrath, Judy Blackburn and Olga Todorovska at the Faculty Plus Centenary Dinner.



Above left: Penny Wines (left), recipient of the Mallesons Stephen Jaques Prize in 1990, and Camille Neave, recipient of the Sly & Weigall prize and Senior Student at the Women's College, with Professor James Crawford at the Law Faculty Dinner at the Women's College on 13 September 1990. Five prizes have been donated by law firms, the others being Freehill, Hollingdale and Page, Allen Allen & Hemsley, and Phillips Fox.

Left: Celebrating Women's involvement in the Law School are (from left) Professor Alice Tay, Challis Professor of Jurisprudence, Val Street, former Principal of the Women's College, and Justice Jane Mathews, guest speaker at the event.

1960 GRADUATES REUNION

Forty-two members of those who graduated from the Faculty of Law on 5 May 1960 celebrated the 30th anniversary of their graduation on 4 May 1990.

The venue for this occasion was the Holme and Sutherland Room of what we knew as the Men's Union. One of our number composed the following rhyme to accompany the invitation—

*If you're depressed at being told
You're past 'mature' and getting old
Be cheered observing sundry others
Of your graduating brothers
Trying to hide from watching peers
The ravages of thirty years.
If that's no comfort, be a starter
Just to toast your Alma Mater.*

C P DAVIDSON

CLASS OF '47

We were a large year — somewhere around 400 students — in 1947. Many were ex-servicemen bent on making up for lost time in one way or another.

We have had three reunions over the years. Records of the first have long since disappeared. The second was our 30-Year Reunion held in August 1980. Ten years later, almost to the day, we had our 40-Year Reunion.

Both functions were held at the University and Schools



Those who attended the 1960 Graduates Reunion dinner included, from left, Dr J P Ball, R C McCluckie, J W Kenny, Judge C P Davidson, and Justice P J Newman.

Club, the first in the old building, the second in the new. Seventy attended the first, 62 the second. The cost of an almost identical meal with drinks rose from \$25 in 1980 to \$75 in 1990, although the latter amount proved to be on the pessimistic side and we were able to donate a surplus of \$600 to the Law School Foundation. The Dean remarked that he thought our cost estimate optimistic rather than pessimistic and asked — "Has sobriety struck?"

The evening was thoroughly good fun, much enlivened by a most witty speech from Bill Morrison, our torts lecturer. We didn't recall that he had made his lectures so entertaining!!

The organisation involved was quite time consuming, but the organising committee was well pleased with the result and we have agreed to do it all again in 1995.

TONY HOUEN

THIRTY YEARS AFTER THE FINALS

Fifty-two members of the 1960 final year class at Sydney Law School met at the Royal Automobile Club in Macquarie Street, Sydney, for their third reunion on 26 October 1990.

Previous reunions were held in 1980 at Darcy's Restaurant in Paddington, and five years later at Pommeroy's Restaurant in the city.

The group is made up of former part-time and full-time students including those who graduated on 10 May 1961 and other class members whose graduation came a little later. There are approximately 85 in the group, the majority of whom have attended at least two of the three reunions. Perhaps the successful response to these functions may encourage other classes to organise similar

reunions which can be great fun for all concerned.

We are proud of the contribution members of the group have made to the ranks of the judiciary, eight of whom attended the most recent reunion. The career paths of others have been more varied and include politics, commerce, industry and the unions, as well as practice as solicitors and barristers.

The menus at each of the dinners have included reproductions of class photos from 1960 which have become increasingly a source of entertainment. Apart from the nostalgia created by these gatherings, they can also re-establish old friendships. Inevitably, the 1990 reunion produced its crop of comments and happenings recalled — and maybe even exaggerated — by those present. But this is not the

time nor the space to detail those components of an enjoyable night.

An appeal for the Sydney Law School Foundation was made at the dinner and the proceeds of the night were donated to the Foundation.

Members of the class of 1960 look forward to their next reunion, planned for 1995.

JOHN BRENNAN

CAMBRIDGE BOUND

All at the Law School extend their warmest congratulations to its Dean, Professor James Crawford on his being appointed to the Whewell Chair of International Law at the University of Cambridge.

The Whewell Chair was established in 1867. It was endowed by a nineteenth century philosopher and scientist, William Whewell (1794-1866). Whewell was Professor of Geology and then of Moral Philosophy at Cambridge; he was also Vice-Chancellor and Master of Trinity College.

Previous holders have included notable English international Lawyers — Sir Hersch Lauterpacht (1938-55); Sir Robert Jennings (1955-82), currently United Kingdom Judge on the International Court of Justice; and Mr Derek Bowett (1982-91).

While there is, of course, considerable regret at Professor Crawford's departure from Sydney, there is also pride in this appointment. We wish him well on his departure to take up the Chair next year and hope that he retains his links with the Law School for which he has worked so hard.

Professor Crawford was also recently elected Director of Studies of the International Law Association at the meeting of the Executive Council held in

London on 4 May 1991.

Professor Crawford succeeded Professor Ian Brownlie QC, who retired after nine years as the ILA's Director of Studies.

Professor Crawford is the second Australian to be elected to the office of Director of Studies; Professor D P O'Connell was the Association's Director of Studies during 1973-79.

CHRISTINE CHINKIN
Pro-Dean, Faculty of Law



Professor James Crawford (far right) with (seated from left to right) Mr Hugh Jamieson; the Vice-Chancellor, Professor Don McNicol; and (standing from left) Mr John Lehane and Sir Laurence Street, at the presentation of Allen Allen & Hemsley's sponsorship of \$500,000 to establish the Law Library in the new Law School building.

DR ROBERT STEIN, Senior Lecturer in Law, died on Monday 25 June 1990, aged 40. He had been on the staff of the Law School at the University of Sydney since 1973.

Robert held the degrees of LLB (Hons) (ANU), LLM (Dalhousie) and PhD (Sydney). He was a world authority on the history and operation of the Torrens system of land title. His researches in the area have been published widely in journals in history and law, both in Australia and overseas. He had made extensive studies of the operation of the Torrens system in overseas jurisdictions. This brought an international perspective into his lectures and writings. It is a matter of great regret that he did not live to see the publication of his latest work, *Torrens Title*, published this year. It is a substantial treatise on the Torrens system Australia-wide, in which his insights and learning are manifest. In it, he not only expounds the law, but is at pains to point out the many deficiencies in the system, and makes important suggestions for reform. One of his constant theses was that the effectiveness of the Torrens system had degenerated as a result of subsequent tinkering with Sir Robert Torrens' grand design, and that significant improvements could only be made by going back to first principles.

In addition to his work on the Torrens system, Robert

published widely in a number of other aspects of property law. He was the co-author of a widely-used student casebook, *Real Property — Commentary and Materials*, which has gone to three editions. He also co-authored an introductory text on real property, *Understanding Land Law*. His articles on property law have been published in leading journals in Australia and Canada. He recently completed a paper on time-share interests in property, which was to be delivered at the XIIIth International Congress of Comparative Law at Montreal in August 1990.

Robert played an active role in the life of the Law School and of the University. He served on a number of Faculty and Departmental Committees, and was Sub-Dean for postgraduate matters in 1988 and 1989. He was very proud of his association with St Andrews College, where he filled with distinction a number of senior positions, including Woodhouse Fellow from 1982 to 1989, Dean from 1987 to 1988, and Vice-Principal from 1988 until his death. He was also the moving force in commissioning a portrait of the late Professor David Benjafield, which now hangs in the Law Library. Of this project he remarked to me that if he was to be remembered for anything, he hoped it would be for his labours in ensuring an appropriate memorial for one of the Law School's most famous graduates.

Robert was painstaking in the preparation of his teaching. He was often to be seen carrying

to class his ample collection of lecture notes, meticulously typed and elegantly bound in black calf. He was fiercely loyal to his students; and those who persevered to know found that beneath a crusty exterior lay a great generosity of spirit.

Robert was a keen debater, never taking longer than necessary to make his point. His message was often driven home with acerbic wit. Many a Faculty meeting was enlivened by his telling contributions. He was a man of strong views; but he was also prepared to concede the strength of an opponent's argument and to subjugate his own opinions in the interests of unity of the academic body. He saw the University as a community of scholars, each person and institution complementing the whole. He viewed with distaste the present inclination of bodies within the University to place their individual demands above the interests of the University as a whole.

Robert was an accomplished pianist and organist. Wherever his legal qualifications were cited, he delighted in adding his musical ones: he held a Diploma in Performance from the Australian Musical Examination Board. He was also a deeply religious person, although never wearing his religion upon his sleeve. Those who saw his quiet resolve during the last few months of his life, when he knew he was dying, cannot have failed to notice the reservoir of strength on which he drew.

Robert's exhilarating, but genuine, eccentricity of character was one of the features of the Faculty. He will be greatly missed.

PETER BUTT

ROBERT STEIN PORTRAIT FUND

Peter Butt has written of Robert Stein's initiative in collecting for and commissioning a portrait of David Benjafield, which now hangs in the Library. It seemed a good way of remembering

Robert — his concern for people, his love of history, his sense of style — to establish a Law Faculty fund in his honour.

Called the Robert Stein Portraint Fund, it will be used as a vehicle for commissioning portraits of people with strong links to the Faculty, either as teachers, as graduates, or in some other capacity. The first portrait to be commissioned is that of Professor Alice Tay. I

know Robert would have been very pleased at that choice.

The artist is Ms Jenny Sands, who was represented in the Archibald in 1990. A group of friends has contributed to the Portrait Fund for this purpose. Enquiries about the Fund or about possible commissions should be directed to my office.

JAMES CRAWFORD
Dean, Faculty of Law

ADMINISTRATIVE MATTERS

Teaching and research activities at the Law School are supported by a team of skilled administrative staff.

They are responsible for matters ranging from the provision of information to undergraduate and post-graduate students, overseeing the Faculty's budget, the support and maintenance of the School's extensive computer systems to the day-to-day output of typing, duplicating and sale of typed notes for students.

In 1990, the academic staff agreed that some additional administrative staff should be employed so that the range of services available could be improved. It is now possible for some general clerical support, such as library searches, preparation of tutorial lists, and collation of statistical information to be provided to academic staff.

At the same time, the Faculty appointed a full-time

Publications Officer, Mr David Weston. He is responsible for the desk-top publishing of all the Faculty's publications, such as the *Sydney Law Review*, the Institute of Criminology's journal *Current Issues in Criminal Justice*, and the *Bulletin of the Australian Society of Legal Philosophy*. Several books have also been published by the Faculty's in-house publications unit, together with student handbooks and the *Sydney Law School Reports*.

The current Faculty Secretary, Ms Natalie Downey, was appointed in 1990, having held a number of other administrative positions in the University prior to taking up this position.

The Computer Systems officers provide an invaluable service to the whole Faculty — academic and administrative staff, and students. A Broadband network was installed in 1990 which provides staff with direct computer access to all sections of the University, including the Fisher Library and Student Records, as well as

access to AARNet and electronic mail facilities.

Also in 1990, Ms Kiki Athanassopoulos was appointed Administrative Officer with specific responsibility for the Centenary appeal and the planning of the new law school. Kiki works closely with the Law School Foundation, established to raise funds for the new law school and the development of the Faculty's educational program.

The General Office of the Law School, located on the twelfth floor, was extensively refurbished in 1990 and now provides a much more comfortable and harmonious working environment than had previously been the case. The Law School building was designed so that secretarial and administrative staff have always worked in windowless offices. The redesign of the General Office, while not able to bring in the sunlight, has at least brought a lightness into the area.

NATALIE DOWNEY
Senior Administrative Officer

THE SAGES PROJECT

Some modern teaching methods, known collectively as "mastery learning models" call for regular testing of students. These tests are for evaluation purposes only; they are not generally designed to be part of the student's final assessment mark. Professor Alan Tyree reports on ground-breaking work being done in this field at Sydney.

In a standard two unit course, the methods call for administering between six and twelve thirty-minute "formative" tests.

Many of our larger classes have 75 to 100 students. In order to use the "mastery learning" models, we are faced with marking up to 1000 questions per test, perhaps 10,000 questions in a term. In order to be effective, the tests should be marked immediately to provide tutorial feedback to students.

There are several solutions to the problem. We could require students to mark their own and/or their peers' papers. This has some educational benefits, but raises the competitive level of an already competitive student body. We could write multiple choice questions and

have them machine marked, but MCQ's are notoriously difficult to write, and the machine marking delays the feedback process.

Our research is looking at the possibility of using computers to ease the marking burden and to provide immediate tutorial feedback to students.

"SAGES offers the potential of completely redefining the economics of testing."

SAGES (Short Answer General Examination System) is designed to accept free-form answers from students. Our initial tests have indicated that answers of up to about 100 words can probably be automatically marked on a pass/fail basis.

SAGES offers two important advancements on computer testing. First, it allows teachers to write short answer questions. This is substantially less time consuming than writing MCQ's. Secondly, the system allows immediate tutorial feedback, thus increasing the effectiveness of the testing procedure.

SAGES works by transforming the student's answer into a "canonical form" and then comparing that form with a

data-base of teacher marked answers.

Trials conducted recently indicate that it may be feasible to use a data-base of between 10 and 20 marked items for each question. One or more of these items may be a model answer drafted by the teacher.

The questions may be quite complex. For example, in the trial this year, Alan Tyree and Chris Chinkin used "mastery learning" in International Law. The first question of the series was:

Explain, with examples, the distinction between formal and material sources of international law.

SAGES performed well on this question, even though the question is "multi-issue". Using a data-base of 13 items, SAGES agreed with the teacher's pass/fail mark on 40 out of 41 student answers. This is an acceptable level of performance for use in "mastery learning" teaching.

SAGES offers the potential of completely redefining the economics of testing. Its use could provide us with a device for significantly improving our teaching at a modest cost in teacher time.

SAGES development is funded in part by a grant from the Law Foundation of New South Wales.

ALAN L TYREE
Landerer Professor of Information Technology and Law

RESEARCH ADMINISTRATION

The University Research Committee, established under Resolutions of the Senate, is responsible for the encouragement of scholarship and research and for the consideration of related matters.

In 1990, as part of the devolution process, Faculties established their own Research Committees. In the case of Law, the Research Committee is combined with the Library Committee. All Faculty Research Committees have a core of common terms of reference which broadly require communication of University Research Policies and the promotion and facilitation of research.

Faculty Research Committees were required, among other things, to produce a research profile and plan as well as some proposals with respect to the "measurement" of research "performance". To facilitate this work, members of the Faculty of Law were asked by the Committee to complete a survey and questionnaire related to research matters.

This indicated, among other things, that on average staff spend about 25-30 per cent of their time on research, (defining 'research' in a fairly specific way as meaning work directed to the production of an article or the like). In fact, for most staff, time spent on research is a lot higher than this if 'research' is defined

to include more general activities such as reading and discussion in order to catch up with and keep abreast of developments in the relevant fields.

Lecture preparation alone necessitates such research and it is in this respect that lecturing and research are inter-related. If research is defined to include this category of work then the percentage of time spent on research would rise considerably higher for most members of staff.

The survey also demonstrated a perception among most staff that there has been a growing reduction in the time available for research. This reduction seems to stem from a number of causes including increased demands for servicing students and increased administrative loads. The legal research infrastructure was also perceived as less than adequate and getting worse. All these points, and others, were made in the research profile and plan of the Faculty.

So far as "measuring" research "performance", the Research and Library Committee took the view that there is only one reliable measure of research performance and that is the judgment of history. Sometimes it is necessary to make decisions in the short to medium term which cannot await the passage of time and in those circumstances the Committee thought the best available indicator of the quality of research work was peer assessment, "peers" being defined for this purpose as workers of good repute and competency in the field under consideration.

The Committee took the view that many of the research performance indicators sugges-

ted from time to time made little if any provision for the judgment of history or the opinion of peers and often suffer from other serious flaws. These include an emphasis on measures of sheer quantity of output with little or no sufficient regard for quality, and a failure to recognise that much necessary research time and activity does not quickly or always lead to publishable results.

It was accepted, however, that a preference had to be expressed for some indicators. The Committee said that the basic principle was that like must be compared with like and that no attempt can or should be made to compare the intrinsic merit of research from widely different disciplines. Of the suggested methods for comparing work within the various institutions engaged in legal research, the preponderance of opinion in the survey was that an analysis of publication output was the least inappropriate of the suggested indicators, although there were divergent views about how best to analyse the output of publications.

PUBLICATIONS

Notwithstanding whatever difficulties may exist, the Faculty in its centenary year of 1990 has improved on an already impressive record of research work.

The Faculty's 1990 Research Report will indicate that five projects have been or will be supported during 1990-1991 by funding from the Australian

— continued on page 24

CRIMINOLOGY AWARD

US AWARD FOR GORDON HAWKINS

Dr Gordon Hawkins, formerly Director of the Institute of Criminology in the Law School, has been selected to receive the American Society of Criminology's Sellin-Glueck Award.

The Award recognises "outstanding scholarly contribution to the discipline of criminology by a non-North American criminologist". In particular, the Society notes Dr Hawkins' "outstanding work on public rhetoric about organised crime, the politics of crime control, prison administration, deterrence, pornography and the scale of imprisonment".

Dr Hawkins will receive the award at the 50th anniversary of the Society at its November meeting in San Francisco.



Dr Gordon Hawkins

RESEARCH

— continued from page 23

Research Council. Three members of staff received support from the University of Sydney Research Grant Scheme. Other research support was provided by various institutions for approximately 13 different projects. One of the most notable of these was a grant from the Law Foundation of NSW to establish in the Faculty a Centre for Plain Legal Language. The total value of this over a period of three years will be approximately half a million dollars.

During 1990 members of staff were authors or co-authors of 14 books. In addition, members of staff wrote 24 separate book chapters. They also wrote or were co-authors of 15 monographs or commissioned reports, 100 journal articles or papers of various kinds and they delivered 89 conference papers.

RANGE OF ACTIVITY

Staff at the Law School continue to conduct research into a wide span of areas. This research includes what might be called "traditional" areas and methods of scholarship, but staff are also moving into new areas and are adopting inter-disciplinary approaches. Mention has already been made, for example, of the establishment of the Centre for Plain Legal Language. Research has also been conducted to develop hypertext software on money laundering, cash transaction reporting and confiscation of the proceeds of crime. In addition, empirical research into the legal regulation of collective investment is under way. The psychological aspects of witness testimony and the continued development of Keller plans for systems of legal instruction are other examples of some of the new areas in which work is being done.

Work has commenced on an inter-institutional and inter-

disciplinary project on the changing laws and changing constitutions of Australia's major communist, ex-communist and third-world trading partners. The output of this should be of major and urgent value to government and business. These examples by no means exhaust the range of initiatives.

For the future, the main constraints on this continuing and pleasing level of innovative research activity will apparently be making available sufficient "quality" time for planning and implementing research and difficulty in obtaining research funds. In this regard, there is an active policy of encouraging and facilitating applications for funding from various sources, and as the brief particulars above show this is starting to bear fruit.

GREG McCARRY
*Convenor,
Research and Library Committee*

The 1991 academic year represents a milestone in postgraduate studies at the Law School, with the introduction of a number of new postgraduate degrees.

Until this year, there had not been any major changes to the structure of the postgraduate degrees and diplomas offered by the Law School since 1964, when the Master of Laws by Coursework and the Diplomas of Jurisprudence and Criminology were introduced.

The new postgraduate degrees are the **Doctor of Juridical Studies** degree and the specialist Masters degrees — the **Master of Criminology**, the **Master of Labour Law and Relations** and the **Master of Taxation**. The introduction of these new degrees has seen the postgraduate population increase to over 700 students for this year.

It is proposed to introduce the **Master of Jurisprudence** in 1992.

The **Doctor of Juridical Studies** (SJD) meets the increasing demand by students who do not want to undertake a PhD exclusively by research, but who seek higher degree studies in law that extend beyond the present LLM by coursework. The SJD is a law doctorate involving an integrated program of coursework and a supervised

dissertation of between 40,000 to 60,000 words. In 1991, 16 students have enrolled in the degree, with some having upgraded their candidature from the LLM.

The introduction of the specialist Masters degrees is a significant innovation in that they have been made available to postgraduate students whose first degrees were not necessarily in law. The specialist areas have been chosen because they lend themselves to an interdisciplinary approach to teaching and research. Indeed, in the case of the **Master of Labour Law and Relations**, the degree is taught jointly with the Department of Industrial Relations.

The interdisciplinary emphasis means that the Master of Labour Law and Relations caters for the needs of two groups — those with degrees or other suitable qualifications in non-legal disciplines who wish to study labour law and relations, and also those with law degrees who wish to specialise in employment or industrial law. In 1991, 36 students have enrolled in this degree.

The **Master of Criminology** is designed for those students interested in pursuing the study of criminology beyond the diploma level. The curriculum offers a comprehensive range of subjects covering contemporary criminology and criminal justice issues.

Finally, the **Master of Taxation** degree is designed to provide a specialist postgraduate qualification at Masters level in taxation. The degree will expose students to both policy issues and the operation of the income tax system in practice. In 1991, 83 students have enrolled in the Master of Taxation.

Meanwhile, our Master of Laws by Coursework program has continued to expand. The number of students enrolled in 1991 is 512 compared to 470 in 1990. This year the Faculty added 10 new subjects to the broad range of subjects offered to coursework students. They are: Advanced Employment Law; Customs Law; Labour Law; Law and Medicine; Legal Education; Legal Research; Maritime Law; Tax Administration; Trade Unions and Work Safety. In addition, the formalisation of cross-institutional arrangements with other law schools offering a Master of Laws by Coursework program has further increased the range of subjects available to students.

While the number of students enrolled in the postgraduate diplomas offered by the Faculty has decreased with the phasing out of the Diploma in Labour Relations and the Law and the introduction of the new specialist degrees, enrolments still exceeded 50. Most of these were in the restructured **Diploma in Criminology** which is in its second year of operation. There were also healthy enrolments in the **Diploma in Jurisprudence** and the new **Diploma in Postgraduate Law**.

There has also been a further increase in the number of students undertaking research degrees with the number increasing from 43 in 1990 to 54 this year.

LEE BURNS
*Associate Dean
Postgraduate Studies*

LAW FOUNDATION CENTRE FOR PLAIN LEGAL LANGUAGE

What is plain legal language?

Plain language is language that is clear, accurate and easily understood by the reader. Plain legal language is clear, accurate, easily understood language in a legal context — such as court documents, agreements, letters to clients, legislation and official forms.

Plain language does not mean writing in staccato 'Dick and Jane' style sentences, nor does it mean sacrificing complex ideas for the sake of simple words. But it does mean a greater emphasis on the reader. Plain language organises and presents information in order to communicate the message in the clearest way.

What is the Centre?

The Centre for Plain Legal Language is a joint project of the Law Foundation of New South Wales and the University of Sydney. It aims to promote the use of plain language in public and private legal documents.

What does the Centre do?

The Centre's activities include:

- providing consultancy services in plain language, such as re-drafting and designing legal documents;
- providing training programs in the use of plain language

for lawyers and others who write legal documents;

- researching the use of plain language, for example, analysing legal words and phrases, and surveying

Assistant Director of the Law Foundation; Edward Kerr, Partner of Mallesons Stephen Jaques; Dennis Murphy, Chief Parliamentary Counsel; and Peter Butt, Director of the Centre.



Staff at the Centre for Plain Legal Language are, from left, Sarah Antell, Janet Oliver (on secondment from Norton Smith & Co), Harry Dunstall, Associate Professor Peter Butt (Director), and Judith Bennett.

The Director

Peter Butt is Associate Professor of Law and an expert in land law and conveyancing. He has extensive experience in legal drafting, especially commercial and property documents.

Professor Robert Eagleson, a world expert in plain legal language, was a founding director of the Centre. He resigned in June this

year but maintains close links with the Centre.

Where is the Centre?

The Centre for Plain Legal Language is located on Level 6 at Sydney University Law School.

JUDITH BENNETT
Principal Researcher

attitudes to plain legal language.

The Board

Members of the Board are Professor James Crawford, Dean of the Faculty of Law; Terry Purcell, Director of the Law Foundation; Dawn Wong,

SYDNEY COMES FOURTH IN THE JESSUP INTERNATIONAL LAW MOOT COMPETITION

The Jessup International Law Moot Competition is an annual competition organised from the United States, in which over 300 teams and 40 countries participate. In 1991 the Sydney team (Simon Evans, Penny Wines, Craig Carracher, Emma Johnston, Ravi Kewalram) won the Australian regional final in Canberra, and went on to participate in the International Division Finals in Washington in April, being defeated in the semi-finals by Georgia — their style against our substance, according to coach Don Rothwell.

Thanks to all who helped, in particular to our financial sponsors — the Department of Foreign Affairs, Mallesons, The Vice-Chancellor, SULS, the Student Union, the Australian Law Teachers Association and the Law Graduates Association.

***Polemic* is a socio-legal journal published by the University of Sydney Law Society.**

Although the journal is published under the University of Sydney's banner, it is edited by students selected from Sydney University, Macquarie University and the University of New South Wales.

The journal seeks to examine the broader ramifications of the law in a number of fields, in particular human rights, the criminal justice system, the legal profession and the environment. This list is by no means exclusive, and past articles have focussed on areas as diverse as IVF technology, the media, insurance law and legal education. Past contributors have included Sir Harry Gibbs, Tim Moore MP, and Justice Michael Kirby.

Launched in May 1990, *Polemic* has quickly found a niche amongst the existing plethora of legal journals. Whilst dedicated to challenging established beliefs and encouraging debate, radicalism for its own sake is not amongst

the editorial committee's objectives.

The most recent issue of *Polemic*, for example, seeks to balance criticisms of the criminal justice system (explored in an exclusive interview with Paul Hill of the Guildford Four) with discussion of AIDS and Tort

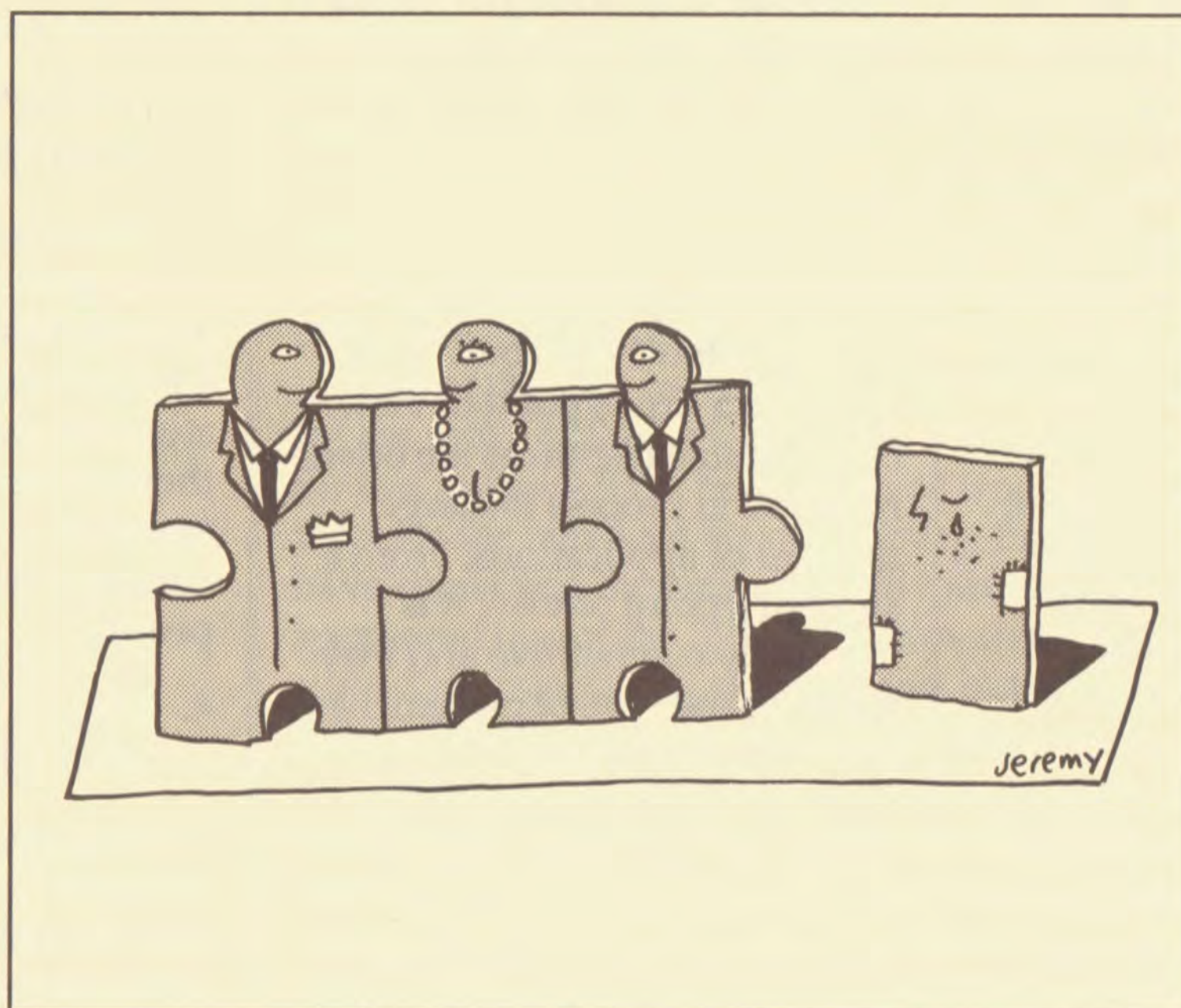
interview with Hugh Corder, Professor of Public Law at the University of Cape Town, South Africa.

The editorial committee expected 1991 to be a year of consolidation; instead it has become a year of expansion. The journal's funding base has swelled thanks to the generous support of the University of New South Wales Law Society, the Macquarie University Law Society and the New South Wales Law Foundation. Affiliation with the Australasian Law Student's Association has seen a corresponding increase in

circulation: the journal is now read by students, academics and professionals, and is distributed throughout the Australasian region.

Polemic welcomes new contributors and subscribers. Enquiries should be directed to: The Co-ordinating Editor, Sydney University Law Society, 173-175 Phillip Street, Sydney, 2000.

MARK SIMKIN
Co-ordinating editor, 1991.



'Whose Laws Are They?' This graphic by Jeremy Andrew features on the front cover of the most recent issue of Polemic which explores the success or failure of the law in reflecting the society it regulates.

"...dedicated to challenging established beliefs and encouraging debate"

law, 'fuzzy' company law and linguistics and the law. The feature article, by Elizabeth Evatt, considers the obligation of the law to reflect the diversity of the society it regulates. This theme is taken up in an

The Placements Office is responsible for the Administration of the Law School's student employment activities.

Some of the activities undertaken in 1991 are listed below.

1. EMPLOYMENT INTERVIEW SCHEME

The Employment Interview Scheme is a major component of this office's work. There are six participating bodies in NSW and the ACT — the Australian National University, Macquarie University, Solicitor's Admission Board, University of New South Wales, University of Technology and ourselves.

The scheme is run in conjunction with approximately 28 Law Firms and four Government Departments. Each year one of the Law Schools acts as coordinator of the program and this year Sydney University fulfils this role.

The Graduate Employment Program places final year students in full-time positions once they have completed their practical training at the College of Law. The Summer Clerkship Program places penultimate year students in employment during the approaching summer vacation.

As part of the program, representatives from most firms gave lunchtime presentations at the Law School and spoke to students about their firms and their involvement in the scheme. The 22 sessions held this year proved to be popular and informative for the students and the speakers, and provided an excellent opportunity for intending

applicants to gain an understanding of the firm.

This year, we received and processed 1400 graduate applications from 109 students; and 2300 summer clerkship applications from 164 students. The students see the Summer Clerkship Scheme as a great chance for experience in a legal practice and in most cases, the first step in their legal careers.

Although the program has been running extremely well, two problems remain — many firms do not participate and many students miss out.

From a firm's point of view, considerable resources are often required to process the large number of applications. From a student's point of view it is extremely competitive and may not offer the type of placement every student wants.

In an effort to resolve these problems, we polled second year law students to gather information for an additional type of placement scheme. The responses suggested that there was genuine student interest which was not being met by the present Graduate and Summer Clerkship Scheme. This interest also coincides with the much publicised areas of difficulty in recruiting new solicitors.

As a result of the survey, the Placements Office is organising an Information Day on **Friday 20 September 1991**, at the Law School Assembly Hall so that firms can provide information about Summer Clerkship and employment opportunities. This will be like a careers day but with specific opportunities for placement of our students. We are sure that this will be most successful and serve the concerns of both our students and the profession.

2. PROFESSIONAL OBSERVATION PROGRAM

This is conducted by the Law Society of NSW and the Law Schools. It provides one week's unpaid or part-time work experience in a practitioner's office during student vacation. There are six students participating in this year's scheme.

3. JUDGE'S ASSOCIATES' REGISTER

This is a register of graduates and recent graduates who are interested in appointment as a judge's associate. Details of the students are sent to judges when they contact the Law School in search of an associate. Our current register stands at twelve people.

4. LEGAL PRACTICE LECTURE SERIES

Each year, penultimate year students have been invited to attend a series of lectures in the semester break to develop skills in litigation, drafting, negotiation, lawyer-client relations and legal professional responsibility. The lectures are conducted by experts from Clayton Utz, Malletts Stephen Jaques, Minter Ellison, Sly and Weigall and the College of Law. This provides a good opportunity for students to gain an insight into law in practice. It also provides an ideal background for summer clerkships. This year we have approximately 40 people enrolled for this workshop.

FELICITY HALLORAN
Placements Officer

ROSALIND ATHERTON
*Senior Lecturer in Law, and
Director of Graduate and
Professional Relations*

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THE SYDNEY LAW SCHOOL FOUNDATION

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Professor James Crawford,
Dean, Faculty of Law

In 1990 the University of Sydney Law School celebrated its 100th anniversary. It was indeed gratifying that so many graduates, undergraduates and supporters of the Law School were able to take part in one or more of the celebratory activities held to mark that achievement and which are noted elsewhere in this publication.

The Centenary was also the occasion of the launch of the Sydney Law School Foundation. The Foundation, which was conceived as a long-term project, has been generously supported by members of the legal profession, notwithstanding that we are in the midst of a recession. This has been a great encouragement to all who are engaged on the exciting project of planning the future of the Law School into the third millenium.

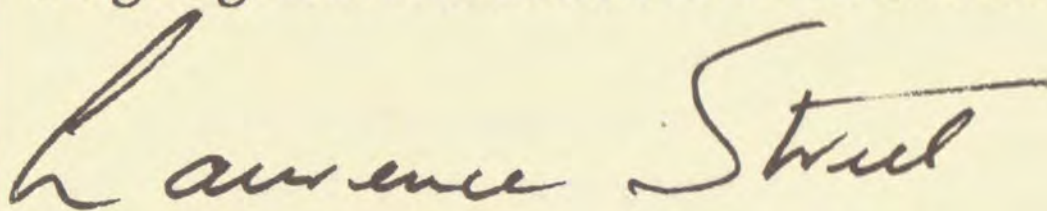
Sponsorship funds have been generously donated both for areas within the new building and for educational purposes, including Chairs, lectureships, the development of new courses, exchange programs and the upgrading of the *Sydney Law Review*.

One of the first moves of the Foundation has been to raise funds for the move of the Law School to a new building on campus. Funds for this purpose have been received from Allen Allen & Hemsley towards the new Law School Library. Freehill Hollingdale & Page have sponsored the major lecture theatre and Minter Ellison have sponsored one of the 150 seat lecture theatres. Henry Davis York have agreed to sponsor one of the 50 seat lecture theatres. An anonymous donation will go towards outfitting the new Foyer.

Another of the Foundation's primary goals is to acquire funding for research and academic positions. Corrs Chambers Westgarth have provided support which will allow the Law School to establish Australia's first Chair in Environmental Law. Blake Dawson Waldron have enabled the Law School to achieve another Australian first — the creation of a Chair in Industrial Law. Ebsworth & Ebsworth have provided a three year sponsorship in the area of Maritime Law and the Law Book Company is sponsoring the new now-quarterly *Sydney Law Review*. Other academic sponsorships have included OTC Limited in the area of Customs Law, and a visiting professorship in the fields of Asian/International Trade Law sponsored by Michell Sillar McPhee Myer.

In addition to these major specific sponsorships the enthusiastic and generous support of individual graduates will provide the financial strength that is essential to create the over-all substance of the new Law School. We need the support of our graduates — the "backbone" of the Law School — in fulfilling the dream of a fully equipped new building on campus.

The Governors and Directors of the Foundation join me in thanking all those who have supported the Foundation. Pledges and commitments thus far have exceeded \$2 million, but this must be seen as only the beginning of a long-term project that will ensure the on-going future excellence of our Law School.



LAURENCE STREET

President, Sydney Law School Foundation

The Sydney Law School Foundation would like to gratefully acknowledge the following Corporate sponsors and individuals who have generously contributed.

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Mr K Smark



Professor Alice Tay with representatives from the Commonwealth Bank, (from left) Les Taylor, Russ Weaver (Deputy Head of Institutional Bank and Head of Corporate), Doug Webb (Holman Webb), and Bob Wyatt.

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AM ED
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Sydney Law School also gratefully acknowledges the support of the following for the celebrations of the Sydney Law School Centenary in 1990 and other educational activities.

The Commercial Law Association of Australia
The Law Book Company Limited
Law Foundation of New South Wales
Law Graduates Class of 1947
Law Graduates Class of 1960
Law Graduates Class of 1961
Malcolm Johns & Co
Maxwell Connery & Partners
National Australia Bank
O'Melveny & Myers
Sydney University Law Graduates Association

RELOCATION UPDATE

Since the last issue of the *Reports* there have been a number of significant developments in the planning of the new building on campus for the Law School.

The selection of the site has dominated planning. In 1990 the University commissioned site architects to report on the two potential sites — one next to Fisher Library, the other next to the Wentworth Union building on City Road. The Law School

Foundation subsequently commissioned its own architect to review the site architect's study.

Meetings to discuss the merits and disadvantages of both sites were held during late 1990 and early 1991 by all members of the Law School, the University's Buildings and Grounds Office, together with the Law School Foundation Governors and major sponsors of the Foundation.

At a meeting of the Faculty of Law held on 14 May 1991, Faculty decided that it preferred the Wentworth site. The reasons included the greater scope of the site, its comparative availability, and the estimate that it would

be 30 per cent cheaper to build on. The matter is now one for the University Senate to determine, in the light of Faculty advice and of the views of its Building and Grounds Committee. Once the site has been selected, it is hoped to commence the design phase with a concept design competition to choose an architect.

In the meantime the Law School Foundation has continued to attract great interest and support from the legal profession for the new law school. For a full report, see page 29.

JAMES CRAWFORD
Dean, Faculty of Law

CLINICAL LEGAL EDUCATION

DEET-FUNDED STUDY OF CLINICAL LEGAL EDUCATION

One of the issues identified at a Legal Education Workshop conducted by the Law Foundation of New South Wales in 1990 was the need to identify cost-effective ways of introducing clinical legal education programs in Australian law schools.

As one of the follow-ups to the Workshop, Sydney University Law School, with the support of the Foundation, applied to the Department of Employment, Education and Training (DEET) for money to set up a study of clinical legal

education. The application came within a DEET priority category of links with industry, including cooperative education, and was successful to the amount of \$55,000.

The project, which is being led by Mr Simon Rice, Director of the Kingsford Legal Centre, seeks to investigate ways in which clinical legal education can be effectively integrated into the law school curriculum, and aims to develop innovative models of clinical legal education involving collaboration between the legal profession and law schools.

Legal education in Australia has been criticised for concentrating too much on rules, at the expense of other skills lawyers need, including interpersonal skills. Most law teachers readily accept that legal education needs to develop a contextual

understanding of the effects of legal rules and regimes, and to introduce students to skills such as drafting and negotiation. But with the limited resources available to Law Schools, and given the influence of the established forms and methods of teaching, these needs have tended to be neglected.

The Australian experiments in clinical legal education (such as the Kingsford Legal Centre) have followed one model of clinical legal education — the community legal centre model. Other possibilities include greater use of simulated clinical experience, the conversion of the existing summer placement scheme into a properly supervised teaching and learning program, or the introduction of specialist clinics in particular areas of law such as criminal or environmental law.

