

Personalialia

I am happy to inform Fellows that Chief Justice Kiefel AC has accepted the Board's invitation to become a Life Fellow of the Academy.

As can be seen on the Academy's website, our Life Fellows are now:

- The Hon Dame Quentin Bryce AD CVO, formerly Governor-General of the Commonwealth of Australia
- The Hon Sir Anthony Mason AC KBE CBE GBM, formerly Chief Justice, High Court of Australia
- The Hon Sir Gerard Brennan AC KBE GBS QC, formerly Chief Justice, High Court of Australia
- The Hon Murray Gleeson AC QC, formerly Chief Justice, High Court of Australia
- The Hon Robert French AC, formerly Chief Justice, High Court of Australia
- The Hon Chief Justice Susan Kiefel AC, Chief Justice, High Court of Australia

"Ethics Hypothetical" in Sydney on 4 April 2017

There has been an outstanding response to this forthcoming event. At last count we had 243 acceptances. The flyer for the event is **attached**.

Perth Lecture for Fellows on 20 April 2017

On Thursday 20 April 2017, a lecture will be given by Professor Erika J Techera, Director of the University of Western Australia Oceans Institute and Professor within the University's Law School, on "Bringing science, technology and law together to solve the illegal fishing challenge".

This event, which has been organised by the Western Australian Fellows of the Academy, will be held at the Federal Court of Australia, 1 Victoria Avenue, Perth.

The lecture will be followed by a dinner.

More details are available on the flyer for the event which is **attached**.

As the flyer says, please RSVP to ea.barkerj@fedcourt.gov.au by Thursday 13 April 2017.

National Conference on Legal Education 11-13 August 2017

Planning continues apace for the Conference, which, Fellows will recall, is being sponsored jointly by the Academy and the *Australian Law Journal*.

I am now happy to **attach** the conference program. This is the first issue of the program.

Registration and other conference details will be made available on the Academy's website in the coming weeks.

The full conference registration fee is \$450 and readers should note that Fellows of the Academy will be entitled to a reduced registration fee of \$250.

Possible event in London in early July 2017

Justice Alan Robertson, the Deputy President of the Academy, would like to gauge the level of interest in a possible evening event (reception and dinner) at the beginning of July in London. There may be a greater number of Fellows in London at that time in association with the Australian Bar Association's biennial conference which begins in London on 2 July 2017.

Would those who may be interested please let Justice Robertson know by email at Justice.Robertson@fedcourt.gov.au.

Once the level of potential interest has been

assessed a decision will be made as to the viability of such an event. It would of course be necessary not to clash with any event organised by the ABA at that time.

Rare Law Books: Building a Collection – national workshop on 12-13 May 2017 to be led by Mike Widener

From time to time the Secretariat receives flyers relating to various events with a request that the Academy give publicity to the event in question. Usually it is not feasible or appropriate to do so. Often there will not be sufficient time between the next Newsletter and the event.

An exception is being made in the case of this Workshop, the **attached** flyer for which has been provided to the Secretariat by Emeritus Professor Wilfred Priest, Emeritus Professor of History and Law, University of Adelaide.

I am aware of the interest that many (perhaps all) members of the Academy have in the subject of legal history.

Annual Essay Prize for 2017 – preliminary notice

The Board of Directors, acting on the recommendation of the Prizes and Scholarships Committee, has adopted as the topic set out below for this year's Essay Prize:

“How well do Australian legal institutions respond to climate change? How could that response be improved?”

Note: “Australian legal institutions” includes legislatures, courts, public administration, universities and other legal teaching and research institutions”.

The amount of the Prize is \$10,000.

A formal notice advertising the Prize will shortly be available on the Academy's website. The deadline for expressions of interest will be Friday 30 June 2017 and the deadline for submissions of essays will be Thursday 31 August 2017.

The Rules Governing the Award of the Annual Essay Prize 2017 can be accessed on the Academy's website.



Kevin Lindgren
President
kevlindgren@gmail.com

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“The law and lawyers: their limits?”

An Ethics Hypothetical—the gap between what the community expects and what the law and its personnel and institutions can deliver

Tuesday 4 April 2017 5.30–7pm

Where? Ceremonial Court of the Federal Court of Australia, Level 21, Law Courts Building, Queen’s Square, Sydney

The Australian Academy of Law extends a warm invitation to all to attend this, the first in a series of three ethics-themed events that it is holding in Sydney this year. The theme of the events is based on these objects of the Academy—to promote the highest standards of ethical conduct and professional responsibility, to enhance understanding and observance of the rule of law, and to provide a forum for debate and the interchange of views.

The first in the series will be a “hypothetical” which will pose questions concerning the limits of law and lawyering. Are laws always an answer? Do our processes deliver what is claimed for them?

Moderated by **John Sheahan QC** of the Sydney Bar, the panel will comprise:

- **Bret Walker SC**, Barrister, Sydney
- **Professor Bryan Horrigan**, Dean, Faculty of Law, Monash University
- **Dr Ruth Higgins**, Barrister, Sydney
- **Professor Peter Cashman**, Barrister, Sydney; Professor of Law, University of Sydney
- **Cathie Armour**, Commissioner, Australian Securities and Investments Commission
- **Professor Uwe Dulleck**, Business School, Queensland University of Technology
- **The Hon Michael Lavarch AO**, Commissioner of the Australian Skills Quality Authority; Attorney-General of the Commonwealth 1993-1996

There will be no charge for admission. Attendance may count towards satisfaction of the MCLE requirements. RSVP by Friday 31 March to: Admin@academyoflaw.org.au.



SPEAKERS:

Bret Walker SC

Bret Walker SC has practised as a barrister in and from Sydney since 1979, having taken silk on 1 December 1993. He is a Foundation Fellow and a former Director of the

Academy. He was President of the Law Council of Australia during 1997 – 1998. He served as President of the New South Wales Bar Association from November 2001 to November 2003. Mr Walker has held numerous offices and served in many roles -- too many to list here. For example, and of particular relevance to this event, he was the draftsman of the *New South Wales Barristers' Rules* (1994-2001), Chairman of the Australian Bar Association Model Code of Conduct Committee (1995), and a member of the Law Council of Australia Uniform Code of Conduct Committee (2001). He has been a Governor of the Law Foundation of New South Wales (1993-2000), a member of the Board of Governors of the Law and Justice Foundation of New South Wales (2001-2007), and a member of various advisory committees to the Australian Law Reform Commission. Mr Walker has been the Editor of the *New South Wales Law Reports* since 2006, was the Independent National Security Monitor from 2011 to 2014, and a member of the Uniform Legal Services Council since 2014. Mr Walker has been the Commissioner on five Commissions of Inquiry.



Professor Bryan Horrigan

Professor Bryan Horrigan is one of Australia's leading legal minds. Over a distinguished career he's advised commercial lawyers and their clients on everything from corporate responsibility and unconscionable business conduct, to the rights-based scrutiny of legislation. And,

as a Government advisor, he has been instrumental in reforming national economic regulation. A former Director of the National Centre for Corporate Law and Policy Research, and a regular

speaker at some of the world's most prestigious universities, Professor Horrigan has been Dean of Monash Law since 2013.



Dr Ruth Higgins

Ruth is a commercial barrister practising in Sydney. She is a Fellow of the Australian Academy of Law, an Assistant General Editor of the Australian Law Journal and a director of the Bar Association of NSW. Ruth obtained her DPhil from Balliol College Oxford, taught at Corpus Christi, Oxford and has since been a Visiting Scholar at Columbia University and Visiting Fellow of New College, Oxford.



Professor Peter Cashman

Dr Peter Cashman is a barrister at 9 Wentworth Chambers in Sydney and Professor of Law (Social Justice) at the University of Sydney. He was formerly: Commissioner in charge of the civil justice review with the Victorian Law Reform Commission; Commissioner jointly in charge (with Justice John Basten) of the reference on class actions with the Australian Law Reform Commission; founding Director of the Public Interest Advocacy Centre; founder and senior partner of the firm Cashman & Partners which merged with the Melbourne firm Maurice Blackburn & Co to form the national firm Maurice Blackburn Cashman (now Maurice Blackburn Pty Ltd); Governor of the American Trial Lawyers' Association (now the American Association for Justice) and National President of the Australian Plaintiff Lawyers' Association (now the Australian Lawyers Alliance). He holds a degree in law and a diploma in criminology from the University of Melbourne and a Master of Laws degree and a PhD from the University of London. He has practised law in the United Kingdom, the United States and Australia and is the

author of numerous publications, including *Class Action Law and Practice*, The Federation Press, 2007.



Cathie Armour

Cathie Armour is one of 5 Commissioners of the Australian Securities and Investments Commission ("ASIC"). The Commission is responsible for ASIC's performance as Australia's integrated corporate, markets, financial services and consumer credit regulator. Cathie is the chair of ASIC's Enforcement

Committee. In her executive role at ASIC, Cathie works most closely with ASIC's Market Integrity Group, that is, the teams responsible for regulating market infrastructure, market surveillance and enforcement of laws relating to market integrity. Cathie's experience before ASIC was in legal counsel leadership roles in international financial institutions. Most recently, she was General Counsel for Macquarie Capital and an Executive Director of Macquarie Group. She began her career in private legal practice and has worked for law firms in Sydney and New York. Cathie is a Graduate of the Australian Institute of Company Directors. She is also a member of Chief Executive Women.



Professor Uwe Dulleck

Uwe Dulleck is Professor of Economics at QUT and Honorary Professor of Behavioural Economics at ANU's Crawford School of Public Policy. Uwe's work on the Economics and Behavioural Economics of Expert Services has been published in the leading journals of Economics and covered in *The Economist*, among others. Uwe worked with several Commonwealth government departments and agencies, including ASIC, the Australian Taxation Office, the Commonwealth Department of Education, on applications of behavioural economics to regulatory and policy questions. He

collaborates frequently with the Behavioural Economics Team of Advisors (BETA) in the Office of Prime Minister and Cabinet.



The Hon Michael Lavarch AO

Professor Michael Lavarch is the Commissioner for Risk Analysis and Regulatory Support at the Australian Quality Skills Authority (ASQA), the National regulator of the vocational education system. Professor Lavarch has had an extensive history in Australian public life, having served in local government before being a member of the House of Representatives from 1987 to 1996. Professor Lavarch was the Attorney-General in the Keating Government during which he pursued an active law reform program including the establishment of the National Native Title Tribunal, the commissioning of the 'Bringing them Home' report into the forced removal of aboriginal children (the stolen generation), and strengthening of anti-discrimination laws including the insertion of sections 18C and 18D into the Racial Discrimination Act.

Michael is a former Secretary-General of the Law Council of Australia and from 2004 and 2012, Executive Dean of the Law Faculty of the Queensland University of Technology where he remains an Emeritus Professor. In 2012 he was made an Officer in the Order of Australia for his contribution to the law, education and human rights.





**AUSTRALIAN ACADEMY OF LAW
WESTERN AUSTRALIAN ANNUAL LECTURE:**

‘Bringing science, technology and law together to solve the illegal fishing challenge’

The lecture will be delivered by Professor Erika J Techera, FAAL, Director, UWA Oceans Institute and Professor of the University of Western Australia Law School

**5.15 pm (for a 5.30pm start) Thursday 20 April 2017
Federal Court of Australia, 1 Victoria Avenue, Perth**

To be followed by dinner for Fellows at Post Restaurant, Como Treasury Hotel.



Erika Techera is a Professor of Law in the UWA Law School and Director of the UWA Oceans Institute at The University of Western Australia. As Director, Erika provides strategic leadership and management of the flagship, multi-disciplinary research and teaching institute focusing on solutions to real world challenges facing our oceans. Before taking up this role, Erika was Dean of the UWA Law

School. Erika’s area of research interest is international and comparative environmental law with a particular emphasis on marine environmental governance and cultural heritage law and policy relating to the oceans. Her research explores legal approaches to Indo-Pacific maritime issues such as marine protected area governance, marine spatial planning and marine pollution, as well as international law for the conservation and management of sharks and other wild species. Her most recent projects are multi-disciplinary: the intersection of transnational crime and illegal fishing; and decommissioning offshore infrastructure and its conversion to artificial reefs. She is the author of over 60 books, chapters and papers, predominantly in the field of environmental law. Prior to joining UWA Erika was Director of the Centre for International Environmental Law and Co-Director for the Centre for Climate Futures at Macquarie University, and practised as a barrister in Sydney for over 7 years. She is a Fellow of the Australian Academy of Law, and in 2016 was awarded the Australian Lawyers’ Weekly Academic of the Year.

RSVP to ea.barkerj@fedcourt.gov.au by Thursday 13 April 2017. (1) For the lecture, and (2) if you are able to attend the post-lecture dinner.

CONFERENCE PROGRAM: The Future of Australian Legal Education

Venue: All conference sessions will be held at the Federal Court of Australia, Law Courts Building, 184 Phillip St, Queens Square, Sydney

*Please note that all plenary and concurrent sessions will have time allocated for questions and comments from the audience.

Friday 11 August		
6.00pm – 8.00pm	Conference opening reception, to be held at Allens, Deutsche Bank Place, 126 Phillip St, Sydney NSW 2000	
Saturday 12 August		
8.15am – 9.00am	Registration, tea/coffee	
9.00am – 9.30am	Welcome and opening	The Hon Kevin Lindgren AM QC The Hon Justice Francois Kunc Gadigal Elder Uncle Charles (Chicka) Madden to give ‘Welcome to Country’
9.30am – 10.30am	Plenary 1: Keynote address	Chair: The Hon Chief Justice James Allsop AO Speaker: Professor Martha C. Nussbaum, <i>Why Lawyers Need a Broad Social Education</i>
10.30am – 11.00am	Morning tea	
11.00am – 12.30pm	Plenary 2: Current status of legal education – where we are now and how we got here	Chair: Emeritus Professor Rosalind Croucher AM Speakers: <ul style="list-style-type: none"> • Emeritus Professor Dennis Pearce AO, <i>The Past is a Different Country</i> • Emeritus Professor Sandford Clark AM, <i>Regulating Admission – Are we there yet?</i> • Emeritus Professor David Barker AM, <i>The Bowen Report – The Overlooked Influence on Legal Education</i> • The Hon Michael Black AC QC, <i>An examination of the Standards for Australian Law Schools and the relationship of the Standards with the Legal Profession Uniform Law</i>
12.30pm – 1.30pm	Lunch	
1.30pm – 3.00pm	Concurrent 1A: Pedagogy and	Chair: Professor Brian Opeskin

	outcomes	<p>Speakers:</p> <ul style="list-style-type: none"> • Associate Professor Lyria Bennett Moses, <i>Understanding artificial intelligence to realise the value of legal training</i> • Christina Do/Nicole Wilson-Rogers, <i>'Business, Law and Regulation': A platform for teaching law students to think critically in first year</i> • Dr Laura Griffin, <i>Technology, diversity and legal problem-solving: facilitating student learning through 'legal thinking' activities</i> • Professor Alex Steel, <i>Finding words to quicken, not deaden, the spirit of legal education: reflections on approaches to drafting standards</i>
1.30pm – 3.00pm	Concurrent 1B: Making connections	<p>Chair: Professor Joellen Riley</p> <p>Speakers:</p> <ul style="list-style-type: none"> • The Hon Nicholas Hasluck AM QC, <i>The Case for Change</i> • Justin Gleeson SC, <i>Can Australian lawyers of the future afford not to be internationalist?</i>
1.30pm – 3.00pm	Concurrent 1C: The 'good' lawyer	<p>Chair: Fiona McLeod SC</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Andrew Henderson, <i>'I want to do something that involves horses and law': Identifying students' drive as a compass to being a 'good' lawyer</i> • Dr Christian Duperouzel, <i>A vocational guide to discerning whether or not to study law and enter the legal field</i> • Susan Carter, <i>Statutory Interpretation and Legal Ethics: once and done or taught throughout the curriculum?</i> • Alan Cameron AO, <i>Good mental health as an essential component of the "Good Lawyer"</i>
3.00pm – 3.30pm	Afternoon tea	
3.30pm – 5.00pm	Concurrent 2A: Technology and teaching	<p>Chair: Stuart Clark AM</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Dr Alexandra George, <i>Embedding Emerging Practice Technologies in Law Teaching</i> • Dr Marina Nehme/Dr Justine Rogers, <i>Digitising Education and the Challenge of Engaging Learners</i> • Dr Philippa Ryan, <i>Exploring the use of writing analytics technology to improve law students' self-assessments</i> • Dr Sarah-Jane Hiller, <i>Law Students Online: Student Engagement and Learning Through</i>

		<i>Critical Reflection</i>
3.30pm – 5.00pm	Concurrent 2B: Purposes and goals of legal education	<p>Chair: Emeritus Professor Michael Coper</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Emeritus Professor John Farrar, <i>The Future of Australian Legal Education– A Comparative View</i> • Professor Patrick Keyzer, <i>What role, if any, should Australian law schools have in servicing legal needs in the community? How can this be sustainably done?</i> • Professor Simon Rice OAM, <i>A Place for Critical Perspectives in Legal Education</i> • Terri Mottershead, <i>The Future of Legal Practice (And why it matters to legal educators)</i>
6.00pm – 7.00pm	Pre-dinner drinks, to be held in The Strangers’ Lounge, NSW Parliament House, 6 Macquarie St, Sydney	
7.00pm – 10.00pm	Conference dinner, to be held in The Strangers’ Dining Room, NSW Parliament House, 6 Macquarie St, Sydney	
Sunday 13 August		
8.15am – 9.00am	Registration, tea/coffee	
9.00am – 10.30am	Plenary 3: What every lawyer should know	<p>Chair: Dr Nuncio D’Angelo</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Associate Professor Michael Legg, <i>New Skills for New Lawyers</i> • The Hon Justice John Basten, <i>Teaching Statutory Interpretation</i> • Kirsty McPhee, <i>Preparing for the Business of Law, not the Practice of Law</i> • Professor David Rolph, <i>The Role of Legal History in Australian Legal Education</i>
10.30am – 11.00am	Morning tea	
11.00am – 12.30pm	Concurrent 3A: Enhancing access to, and indigenous engagement in, legal education	<p>Chair: His Hon Judge Matthew Myers AM</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Annette Gainsford/Associate Professor Alison Gerard, <i>Embedding Indigenous Cultural Competence in a Bachelors of Laws: the CSU Experience</i> • Associate Professor Bronwyn Olliffe/Angela Dwyer/Maxine Evers, <i>Diversity in Law School</i> • Professor Jenny Buchan/Dr Leela Cejnar, <i>Equity, Diversity and Inclusion through online learning: using a Massive Open Online Course in the study of law to extend learning</i>

		<i>opportunities</i>
11.00am – 12.30pm	Concurrent 3B: Experiential learning	<p>Chair: The Hon Justice Alan Robertson</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Associate Professor Cathy Sherry, <i>Meaningful use of digital technology for genuine understanding of land law</i> • Neville Carter, <i>Australian Legal Education Sector: Key Metrics</i> • Svetlana German/Robert Pelletier, <i>An innovative future for legal education: problem based learning, clinical placements and the transformation of the doctrine/skills dichotomy</i>
11.00am – 12.30pm	Concurrent 3C: Preparing for the impact of technology on legal practice	<p>Chair: Professor Simone Degeling</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Associate Professor Penny Crofts, <i>Teaching skills for future legal practitioners</i> • Associate Professor Gabrielle Appleby/Associate Professor Sean Brennan/Professor Andrew Lynch, <i>Keep Calm and Carry On: Why the Increasing Automation of Legal Services Should Deepen and Not Diminish Legal Education</i> • Professor Nick James, <i>Surviving the Digital Disruption of Legal Education and Legal Practice</i> • Associate Dean Tania Leiman, <i>Educating for the past, the present or the future?</i>
12.30pm – 1.30pm	Plenary 4: Looking to the future of legal education	<p>Chair: The Hon Michael Kirby AC CMG</p> <p>Speakers:</p> <ul style="list-style-type: none"> • The Hon Justice Alan Robertson, Deputy President, Australian Academy of Law • Fiona McLeod SC, President, Law Council of Australia • Professor William MacNeil, Chair, Council of Australian Law Deans • Dan Trevanion, President, Australian Law Students Association • Professor Martha C. Nussbaum
1.30pm – 1.45pm	Closing remarks	<p>The Hon Kevin Lindgren AM QC</p> <p>The Hon Justice Francois Kunc</p>
1.45pm – 2.30pm	Lunch	



THE UNIVERSITY
of ADELAIDE

A national workshop led by Mike Widener

Rare Law Books: Building a Collection

12-13 May 2017

Under the auspices of Adelaide Law School and the Sir John Salmond Law Library

For collectors, dealers, librarians and practitioners

Themes:

- > The book as physical object
- > Categories of legal literature
- > The antiquarian book market
- > Strategies for forming a focused collection

Legal historian Professor Wilfrid Prest will also contribute to the workshop

Enrolment is strictly limited to facilitate interaction between participants and presenters

Register online at:

[University of Adelaide Staff and Students register here](#)

[Members of the public register here](#)

Fee \$500 (payable in two equal instalments, before 31 March 2017); \$750 thereafter.

Limited to 12 places, early registration is advisable.

For enquiries and further details please contact:

peter.jacobs@adelaide.edu.au

08 8313 5348



Mike Widener has been the Rare Book Librarian at Lillian Goldman Law Library, Yale Law School since 2006, after 14 years as Head of Special Collections at the Tarlton Law Library, University of Texas. He is also on the faculty of the Rare Book School, University of Virginia, where he has taught the course 'Law Books: History of Connoisseurship' since 2010. <http://library.law.yale.edu/rarebooks>