

ACT Academy event

On Wednesday 25 March, an audience of some 200 heard Professor Hilary Charlesworth and Mr Henry Burmester AO QC speak about their experiences as Judge ad hoc and counsel representing Australia, respectively, in the Whaling Case in the International Court of Justice.

As foreshadowed in the last Newsletter, the event was held in the impressive Australian Centre on China in the World, on the campus of The Australian National University, to which it had to be relocated because of the large number of registrations.

Professor Charlesworth gave an insight into the role, structure, dynamics and operation of the Court, while Mr Burmester was able to draw on his immense experience in representing Australian interests in this and other cases before the Court.

Patron's Address for 2015 to be held in Sydney on Monday 18 May 2015 at 5.30 pm

The flyer for this event was attached to the last Newsletter and is again **attached** to this one.

The speaker is Professor Paul Brand, Fellow of the British Academy, Emeritus Fellow, All Souls College, Oxford. Further information about Professor Brand can be found on the flyer.

Professor Brand will be the speaker at the High Court's Magna Carta event on 13 May and his visit to Australia is being funded by the University of Melbourne where he will take up the position of Miegunyah Distinguished Visiting Fellow following the delivery of the Patron's Address.

The Academy is privileged to have secured to deliver its Patron's Address such a distinguished medieval legal historian in this year, which marks the 800th anniversary of the sealing by King John of the original Magna Carta.

All Fellows are encouraged to enter the event in their diaries and to [register](#) for the event.

Professor Croucher, the Chair of the Academy's Projects Committee, has suggested that members outside New South Wales might be able to use their State and Territory networks to publicise the Patron's Address and the flyer "in case there are interested persons who may be in Sydney in May".

I also encourage Fellows to take the initiative to publicise the Patron's Address. The Projects Committee seeks to "cover all bases" in Sydney, but oversights can occur.

If you know of any group having a special interest in legal history, English medieval history in general, or the Rule of Law, may I encourage you to ask the officers of any such group to distribute the flyer.

The Patron's Address event already has the support of the Rule of Law Institute of Australia and the Magna Carta Coordinating Committee.

Visit and lecture by Professor James Moliterno on Wednesday 20 May 2015

The view has been expressed that Fellows should arrange local Academy events for Fellows, in addition to the larger, public events of which one is held in each State and Territory each year.

In this vein, and through the good offices of Academy Fellow Russell Miller, on Wednesday 20 May we will be favoured by a visit by Professor James Moliterno, who is the Vincent Bradford Professor of Law at the Washington & Lee School of Law, Lexington, Virginia.

One of Professor Moliterno's interests is legal ethics in different countries. In fact the title of his presentation on 20 May will be "Exporting Legal Ethics?"

Academy Fellow, Don Robertson, has kindly arranged for Herbert Smith Freehills to make available a conference room and refreshments. The firm's offices are at ANZ Tower, 161 Castlereagh Street, Sydney.

A flyer for the event is **attached**. Of course, **all** Fellows are invited to attend, but I would draw it to the attention in particular, of those located in Sydney.

Professor Moliterno says:

"The question mark [in the lecture title] is intentional because some colleagues I have met on projects genuinely act as if we are exporting our form of legal ethics (be it American, Western European, British or Australian...). My way is to try my best to understand local culture and work with it to make the ethics system better for that particular country, while being well aware that we have figured out good answers to many ethics questions in mature justice systems such as ours, from which my hosts may benefit. Our own legal cultures have driven many of the subtleties of our own ethics system choices, and our systems, mature as they are, differ in some important ways from US to Germany to UK to Canada to Australia. So it should be no surprise that the culture in various post-communist states will differ from one another and drive some differences in what an effective lawyer and judge conduct system will look like."

Please [register](#) for this event in accordance with the flyer.

The Academy of Law Annual Essay Prize

At its recent meetings, the Board of Directors has given final approval to the Rules Governing the Annual Essay Prize and to the essay title for the purposes of the Prize for 2015. The title is as follows:

"How should academia, the practising profession and the courts assist each other in the education of Australian lawyers?"

A copy of the [Rules](#) is **attached**.

Fellows are encouraged to spread the word about the availability of this Prize (of \$10,000). A Notice in a form suitable for publication in professional, academic and other journals is also **attached** to this Newsletter.

Comings, goings and doings

By now, members should be familiar with the Members' Forum section of the Academy's website. I would draw attention to two forthcoming events of which more detail can be found there:

On Wednesday 22 April 2015, Academy Fellow, the Hon JJ Spigelman AC QC, will deliver a lecture on "Magna Carta in its Medieval Context" in the Banco Court, Level 13 Law Courts Building, Sydney at 6.00 pm

Academy Fellow, Professor Stephen Bottomley advises that on Friday 1 May 2015, the ANU College of Law will be hosting an event titled "In Conversation with David Manne". David Manne is a well known human rights lawyer and is the Executive Director of the Refugee and Immigration Legal Centre in Fitzroy. Further details are available in the Members' Forum.

Note too in the Members' Forum the entry concerning the election of Professor Don Chalmers as a Fellow of the new Academy of Health and Medical Sciences. Congratulations Don!

New Fellows

On behalf of the Academy and its members I am pleased to extend a warm welcome to the following lawyers who have become Fellows since the last Newsletter:

The Hon Justice Andrew Greenwood
Professor Julian Disney AO
Professor Lesley Hitchens
Mr Michael Murray
Professor Peter Radan
Professor Sam Ricketson
Professor Joellen Riley
Professor Kim Rubenstein
The Hon Justice Antony Siopis



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April 2015

Academy of Law's Patron's Address

Magna Carta and the Development of the Common Law

Monday 18 May 2015 5.30 pm

Federal Court of Australia Level 21, Law Courts Building, Queen's Square, Sydney

Professor Paul Brand FBA, Emeritus Fellow, All Souls College, Oxford



The Australian Academy of Law (AAL) will be holding the fourth of its annual Patron's Addresses on Monday 18 May 2015, to be delivered by Professor Paul Brand, FBA, Emeritus Fellow, All Souls College, Oxford.

The title of Emeritus Professor Brand's address is '*Magna Carta and the Development of the Common Law*'. With expertise in English medieval Common Law, his main focus will be on what Magna Carta has to tell us about the development of the Common Law prior to 1215 and what contribution it then made in the short and medium term to the subsequent medieval development of the Common Law. Professor Brand will then consider how, over the

longer term, Magna Carta came to be seen throughout the Common Law world as a foundational document of the Common Law as a family of legal systems.

Paul Brand is Professor of English Legal History at the University of Oxford and a Senior Research Fellow of All Souls College, Oxford. He works on English medieval legal history and has written monographs on *The origins of the English legal profession* (1992) and on *Kings, Barons and Justices: The Making and Enforcement of Legislation in Thirteenth-Century England* (2003) as well as editing the four volumes of *The Earliest English Law Reports* and the two earliest volumes of *The Parliament Rolls of Medieval England*.

The inaugural Patron's Address was delivered in 2012 by the Patron of the AAL, The Hon Chief Justice Robert French AC. The second Patron's Address was delivered in 2013 by The Hon James Spigelman AC QC; and the third in 2014 by the Hon Chief Justice Sundaresh Menon, Chief Justice, Supreme Court of Singapore. For the fourth address the Academy acknowledges the support of the Rule of Law Institute of Australia and also the University of Melbourne for funding Professor Brand's visit as a Miegunyah Distinguished Visiting Fellow.

This event may count as MCLE/CPD.

RSVP online by Thursday 14 May:

W academyoflaw.org.au/events?id=35

E aal@anu.edu.au

T: 02 6125 2906



'Exporting Legal Ethics?'

by Professor James Moliterno

Wednesday 20 May 2015

TIME 5.30 pm

Herbert Smith Freehills, ANZ Tower,
161 Castlereagh Street, Sydney

Herbert Smith Freehills will be hosting this presentation for Academy Fellows only by Professor James Moliterno, Vincent Bradford Professor of Law at the Washington & Lee School of Law, Lexington, Virginia.



Professor Moliterno says that the question mark in the title is intentional: 'some colleagues I have met on projects genuinely act as if we are exporting *our* form of legal ethics. My way is to try my best to understand local culture and work with it to make the ethics system better for that particular country, while being well aware that we have figured out good answers to many ethics questions in mature justice systems such as ours, from which my hosts may benefit. Our own legal cultures have driven many of the subtleties of our own ethics system choices, and our systems, mature as they are, differ in some important ways. So it should be no surprise that the culture in various post-communist states will differ from one another and drive some differences in what an effective lawyer and judge conduct system will look like.'

For 21 years prior to joining Washington & Lee in 2009, Professor Moliterno was the Tazewell Taylor Professor of Law, Director of the Legal Skills Program and Director of Clinical Programs at the College of William and Mary, serving as Vice Dean from 1997-2000. He has taught legal ethics courses and professional skills courses at six US and three non-US law schools over the last 30 years. A member of the American Law Institute, Professor Moliterno has held committee positions in both the Association of American Law Schools (AALS) and the American Bar Association (ABA). He was the 2012 recipient of the Rebuilding Justice Award from the Institute for the Advancement of the American Legal System (IAALS) in recognition of his career-long work in legal education reform. In 2014 Professor Moliterno was Visiting Professor at the China University of Political Science and Law.

RSVP: www.academyoflaw.org.au/events?id=35; aal@anu.edu.au; T: 02 6125 4124 or 02 6125 2906. This event may count as MCLE/CPD points.

This event may count as MCLE/CPD.



AUSTRALIAN ACADEMY OF LAW

NOTICE OF

ANNUAL ESSAY PRIZE 2015

The Australian Academy of Law is pleased to announce the inauguration of *The Australian Academy of Law Annual Essay Prize*.

The Prize is open to anyone, wherever resident, who is studying or has studied legal subjects at a tertiary level, or who is working or has worked in a law based occupation. There is no limit by reference to the age or seniority or experience of, or position held by, a person who may submit an entry.

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

The essay topic for the inaugural Prize is as follows:

“How should academia, the practising profession and the courts assist each other in the education of Australian lawyers?”

In this topic:

“academia” includes teachers of legal subjects, and those who provide practical training, at a tertiary level;

“courts” includes administrative tribunals;

“lawyers” includes students, teachers, practitioners and members of courts and tribunals; and

“education” includes continuing professional development and extends to the teaching of civility, ethical conduct and professional responsibility.

The topic does not include what subjects should form part of the curriculum at tertiary institutions.”

The deadline for the submission of an essay is 31 August 2015 and persons intending to submit an essay must notify the Academy of that intention in writing via the Academy’s website to be received by 30 June 2015.

The Rules Governing the Annual Essay Prize can be accessed on the Academy’s website: www.academyoflaw.org.au

AUSTRALIAN ACADEMY OF LAW
RULES GOVERNING THE ANNUAL ESSAY PRIZE

2015

Preamble

The annual essay prize is offered in furtherance of the objects of the Academy under its Constitution. Those objects include: “[to] establish and advance funds to provide scholarships and research grants which advance legal education and the discipline of law and promote ethical conduct and professional responsibility” and “[t]o promote the highest standards of legal scholarship, legal research, legal education, legal practice, and the administration of justice”

Rules

1. The name of the Prize is “The Australian Academy of Law Annual Essay Prize”.
2. The Prize is open to anyone, wherever resident, who is studying or has studied legal subjects at a tertiary level, or who is working or has worked in a law based occupation.
3. There is no limit by reference to the age or seniority or experience of, or position held by, a person who may submit an essay.
4. The essay topic will be on a subject set by the Prizes and Scholarships Committee of the Academy, and announced on the Academy’s website and through the media by 31 May.
5. Persons intending to submit an essay must so notify the Academy by 30 June.
6. The deadline for submission of essays will be 31 August and essays received after that date will not be eligible to be considered for the award of the Prize.
7. Each essay will be subject to a limit of 10,000 words (including footnotes and bibliography), and any essay in excess of 10,000 words will not be eligible to be considered for the award of the Prize. Each essay must include an abstract of not more than 150 words.
8. Single-authored or multiple-authored essays will be accepted, but authorship must be original.
9. A person submitting an essay (including any one of multiple authors) may not submit more than one essay in a particular year.
10. An essay submitted must not have been, in whole or in part, previously published or submitted for publication.

11. An essay submitted must be accompanied by a separate cover page giving the author's name and contact details, but the essay itself must not identify the author. Any other requirements as to format, style or presentation will be notified in connection with the announcement of the essay topic.
12. Each person submitting an essay must declare that the essay is the person's own original work. By submitting an essay, participants agree that the Academy may conduct an integrity check for copyright infringement or plagiarism.
13. By submitting an essay, its author does not vest copyright in the essay in the Academy, or otherwise affect ownership of that copyright.
14. The annual prize is AUD\$10,000. In the case of joint winners or a winning essay by more than one author, the Academy will allocate the Prize between them equally.
15. It is intended that the Prize be offered annually, but the Academy reserves the right not to offer it in a particular year.
16. The Academy expects to notify all participants of the result by 31 October and to announce the identity of the winner of the Prize by that date on the Academy's website.
17. The Prize will be awarded for the essay assessed to be the best by a Judging Panel to be appointed for the year by the Academy's Board of Directors, but there is a discretion not to make an award in a particular year if no essay submitted is assessed to be of sufficient merit.
18. The decision of the Judging Panel is final.
19. The Academy will be entitled to publish the winning essay on its website. The winner of the Prize must agree that if it is published through any other avenue of publication, that publication will be accompanied by an acknowledgment that the essay was the Prize winning essay in the relevant year.
20. It is open to the Academy to take up and recommend to any body for implementation any idea expressed in any essay submitted. Where appropriate, the Academy will use its best endeavours to ensure that the source of an idea that is implemented is acknowledged.
21. It is a condition of participation that any person submitting an essay agrees to be bound by the then current Rules Governing the Annual Essay Prize.
22. The Academy reserves the right to vary these rules from year to year. The current rules will be published on the Academy's website.