

# AAL

Australian Academy of Law

## *NEWSLETTER No 1*

*November 2011*

This is the first Newsletter to members of the Academy. It is issued by the Academy's recently established Website and Publications Committee, the members of which are The Hon Kevin Lindgren QC (Chair), Emeritus Professor David Barker AM and Professor Kate Warner.

The purpose of the Newsletter is to draw the attention of Academy Fellows to matters thought to be of interest to them, including recent and forthcoming events. To that end Fellows are invited to notify the Chair of items they would like to have included in the Newsletter (see contact details below).

At this stage it is not proposed to issue the Newsletters at regular intervals but to do so from time to time as the occasion requires. Of course, experience may call for a change to this policy.

### **Website**

A letter was sent to Fellows over the signature of the President and the Chair of the Website and Publications Committee dated 28 October 2011. The letter asked Fellows to advise the AAL Secretariat on [aal@law.anu.edu.au](mailto:aal@law.anu.edu.au) if they consented to their being shown as members of the Academy on the AAL Website, and also inviting them to make available appropriate scholarly papers and articles written by them for re-publication on the Website. Members of the Academy should refer to the letter for further detail.

Responses have been received in both respects and more are sought. The first articles have now been re-published on the Website.

Members of the Academy who forward a paper or article to the Chair should first ensure that any necessary or desirable consent of the editor of the journal in which the article was first published to the re-publication on the Website has been obtained. Experience shows that there is rarely a problem in this respect. The intention is to accompany the re-published article with a note to the following effect: "This article was first published in the .....Journal (see (2011) vol p ) and is re-published on the Academy's Website with the consent of the editor of that Journal".

Fellows should note that if they first publish on the Academy's Website, consent is given to their re-publishing elsewhere. In that event it is suggested that the re-publication be accompanied by an acknowledgment to the following effect: "This

article was first published on the Website of the Australian Academy of Law and is re-published in this Journal with the consent of the Academy.”

### **Annual General Meeting**

Fellows are reminded that the Annual General Meeting of the Academy is to be held on 18 November 2011 in the VIP Boardroom, Customs House, Circular Quay, Sydney commencing at 12.30 pm. The papers for the meeting were sent to Fellows by the AAL Secretariat on 19 October 2011.

### **Conference**

Fellows are reminded that on Friday 18 November 2011, the Academy, the Rule of Law Institute and the Centre for Legal Governance at Macquarie Law School will be holding a one-day conference on *Tomorrow's Law: Disclosure of Information – Balancing Public and Private Interests*. For more information go to: [www.accessmq.com.au/MQ\\_AAL conference](http://www.accessmq.com.au/MQ_AAL_conference)

### **Australian Law Teachers Association**

Extracts from the latest Australasian Law Teachers Association (ALTA) Newsletter are included which may be of interest to members of the Academy. These extracts are reprinted by permission of Professor Rosalind Mason, the Chairperson of ALTA



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## **Law Council of Australia: *Legal Education Committee***

A meeting of the Committee took place by teleconference on the 29 July 2011. Much of the earlier discussion at the meeting involved a report by Professor Jill McKeough of the Federal Government's decision not to use journal ranking in the next research assessment exercise. This was followed by reports on recent developments relating to the Juris Doctor (JD) Law Programs and the finalisation of the Threshold Learning Outcomes (TLOs) for the Bachelor of Laws (LLB) degree. With regard to the latter the Committee was informed that the TLOs had been endorsed by CALD in November 2010 and the LLB Standards Statement was now available on the ALTC'S website.

It was confirmed that the Legal Admissions Consultative Committee (LACC) had recommended these TLOs as requirements for admission to legal practice and that whilst it was accepted that embedding and assessing the TLOs would be a challenge for some institutions, it was expected that they would lead to a closer match between graduates of university law schools and the needs of our society and economy.

Reports were also received relating to the continuation of the LTAS Law Project during 2011 in respect of the Law Associate Deans (Learning & Teaching) Network which had resulted in the commissioning of six good Practice Guides to facilitate law schools' implementation of the TLOs covering areas such as: communication, collaboration, ethics and professional responsibility, self-management, critical and creative thinking, and statutory interpretation. Information was also given in respect of the development of TLOs for the Juris Doctor (JD) degree and the ALTA Conference keynote address by Professor Sally Kift introducing the concept of a design for a capstone experience for Australian legal education.

Progress reports were received in respect of Law Council/LEC support for both the ANU Law Graduates Careers Destination Survey and the UNSW ARC Discovery Project, 'Legal Culture, Work Stress and Professional Practice: A Study of Australian Lawyers'.

A report was also given on the recommendations from the Senate Select Committee on the Reform of Australia's Federation and the intention to establish a university centre for the study of federalism.

The Committee was also given updates on the recent Australian Academy of Law Brisbane Roundtable, the future ILSAC symposium on better equipping Australian law graduates for international and transnational legal practice and the establishment of a steering committee of the Commonwealth Legal Education Association to consider the formation of a Commonwealth Law Students Association.

A question was raised by the new Continuing Legal Education Association of Australasia (CLEAA) representative on LEC regarding the Law Council's position with regard to the Draft National Law and CPD rules. The acting chair of the Legal Education Committee indicated that this question would be taken on notice.

**Emeritus Professor David Barker AM**

**ALTA Representative**

*This report originally appeared in Edition Two of the 2011 ALTA Newsletter (October 2011)*

### **Council of Australian Law Deans Chair's Report**



Members of ALTA will be interested to hear that, with Sally Kift, I met with Alison Johns to discuss the new arrangements for replacing the ALTC within the DEEWR structure. Ms Johns is Head of Leadership, Governance and Management for the Higher Education Funding Council for England and has been hired as a consultant to advise on ALTC transition issues. The restoration of \$50m out of \$88m in the forward estimates is welcome news but obviously efficiencies have to be found. Ms Johns indicated that the present award and citation scheme will be streamlined to allow for greater savings as teaching awards have been shown to serve little function in improving educational outcomes.

We discussed how credibility is to be restored to the Government's support for the value and status of teaching and learning in higher education. In the view of CALD and other Dean's Councils it is very important to maintain the character and momentum of the work of the ALTC. Importantly, the national role of ALTC in bringing together people from across disciplines is something to be valued and maintained. We are concerned that the restored ALTC project and program funds are not reduced to ALTC-predecessor (eg AUTC or CAUT) style competitive grant schemes directed at uncoordinated individual initiatives, however excellent.

We explained that the work of the ALTC has been characterised by:

- Strategic long-term vision for incremental system wide innovation and development in teaching and learning
- Capacity building in organisational change and leadership
- Collaboration rather than competition across institutions and disciplines, and for the first time with external stakeholders (e.g. employers and professional bodies)
- Significant networking across institutions and private providers, as a key means of achieving collaborative national outcomes

We are concerned to see the resulting developments and momentum continue, and not be abandoned in any restructure of the ALTC's role via the new DEEWR branch.

Among the most significant and recent examples of the ALTC approach at work is the Learning and Teaching Academic Standards (LTAS) project. It has generated:

- Grass roots review and ownership of discipline based academic standards,
- Reviews that are re-evaluating teaching and learning goals in light of the

- Government's expanded participation and low SES targets.
- A renewed vision of organisational leadership in teaching and learning necessary to effect such changes
- Discipline academic standards and evidence in forms that have huge potential to provide new international competitiveness for Australian Higher Education,
- A basis for greater learning and closer collaboration at a national level through new international relationships (eg. UK Higher Education Academy and Europe's Tuning arising from the Bologna Process)
- A basis for new dialogues with professional and employer bodies, TAFE and private providers.

LTAS and projects on other themes such as assessment, learning spaces, pedagogy, new media, etc have caused existing teaching and learning networks to reinvent themselves, and generated new ones such as the law associate deans teaching and learning network.

**Professor Jill McKeough**  
**Chair of CALD**  
**Dean, UTS**

*This report originally appeared in Edition Two of the 2011 ALTA Newsletter (October 2011)*

## International Association of Law Schools

### Bird's-eye view

Since my last column in ALTA Newsletter Edition One, there is much to report on concerning the IALS: notably, a wonderful conference in Buenos Aires in April 2011, and some excellent forward planning at a meeting of the Governing Board in Rome in July 2011. I should also report, with due modesty but immense national pride, that, at a meeting of the Governing Board in Buenos Aires in conjunction with the conference, I was elected as Vice President of the Association. More on that in a moment.



Photo A

## IALS conference in Buenos Aires in April 2011



I referred to this conference — on 'teaching, legal education, and strategic planning' — in my previous column, and foreshadowed some of the anticipated themes. The marvellous collection of short papers may be found at <http://www.ialsnet.org/meetings/teaching/papers.html>. The by now familiar IALS requirement that all participants write a short paper on one of the conference themes, in advance of the conference, is very successful

and serves multiple purposes: it ensures that all participants can come well-armed with some basic information and understanding of the perspectives of their fellow participants, and it facilitates genuine engagement, with the conference themes and with each other.

I always find this aspect of the IALS conferences an incredibly stimulating and accessible learning experience. The papers are not comprehensive scholarly works, but what might be seen by some as ‘dumbing down’ is rather a delightful entrée to meeting the authors in person, to then drilling down a little further into the issues raised, and finally to starting a dialogue that can lead to very fruitful and rewarding relationships. This is an excellent *modus operandi*. The science disciplines are well used to papers and abstracts in advance, but the IALS innovation is to require this ‘entrée card’ from *all* participants, not merely from the plenary session speakers (though, in another innovation, on this occasion all participants — some 100 of them — had the opportunity to speak to their papers in break-out groups).

The conference ranged widely over issues of curriculum and pedagogy, continuing in many ways the discussion started in Suzhou in 2007 and developed further in Canberra in 2009. In addition, the conference raised for the first time, in this forum, issues of regulation and accreditation — very timely for Australia given the current volatility in this area, as we struggle to come to terms with the Attack of the Acronyms: ALTC, AQF, AUQA, ERA, LACC, TEQSA, and the TLOs, just to mention just a few. But perhaps the most notable feature of the conference was the Latin American factor, that went well beyond (but was accentuated by) the geographic location. To encounter how issues familiar to us in our context play out in Argentina, Brazil and Chile, which have all experienced the tussle between dictatorship and democracy, was highly instructive; the role of legal education takes on a political hue in those countries that it tends to lack in a stable democracy.

Perhaps the most poignant moment for me was when, in the small group discussion I was facilitating, Professor Diana Romero La Roche, Dean of Law at the University of Zulia in Venezuela, sought the group’s advice and support in confronting the challenge of how to respond to direction from the government, under threat of closure, to teach the edicts of President Chavez, though she believed those edicts to be unconstitutional. Bravely, she felt bound to communicate that belief to the students, not just the bare edicts themselves.

There is much competition in the conference space these days, and resources to support international travel are stretched. However, five Australian colleagues were able to participate in the Buenos Aires conference, and I again encourage the Australian law schools which are IALS members to do their best to be a part of these wonderful occasions — and the Australian law schools which are not members to sign up. The next opportunity will be in Bangalore in October 2012, on the topic of the role of law schools in the promotion of human rights. I foreshadowed this in my previous column and will have more to say about it in due course.



#### IALS governance

At the IALS Board meeting in Buenos Aires, the Board selected two members to be Vice Presidents,

following the expiry of the term of Monica Pinto (Argentina) as President and the ascension to that office of Vice President and President-Elect Frank Wang (China). The two Vice Presidents are myself and Professor Aalt Heringa, Dean of Law at Maastricht University in the Netherlands. Selecting two Vice Presidents was seen as strengthening the capacity of the IALS Executive, and the issue of which one will succeed to the Presidency was deferred. However this issue is ultimately resolved, it is an honour to be a Vice President, and I look forward very much to doing what I can to carry the organisation forward.

That aspiration will have its challenges. The Association of American Law Schools (AALS), which has to date provided secretariat services to the IALS, no longer has the capacity to do so on a comprehensive basis, and the IALS Board meeting in Rome was devoted largely to planning for transition to another arrangement (as well as devising some changes to put to members to strengthen the IALS Charter). It is likely that the various secretariat functions will be more distributed, and member law schools will be asked soon for expressions of interest in supporting the office of Secretary-General/Treasurer. While the support of the AALS has been excellent and much appreciated, this transition was always anticipated, and ultimately IALS will be stronger for standing on its own two feet, but it will need the support of its members, and it will need the membership to grow. Fortunately, Australia has been at the forefront of progress on both of these imperatives.

**Professor Michael Coper**  
**Dean, ANU College of Law**  
**Vice President, International Association of Law Schools**  
**August 2011**

**Photo A:** Michael Coper outside the imposing facade of the University of Buenos Aires Law School

**Photo B:** IALS conference participants on the steps of the University of Buenos Aires Law School

**Photo C:** Street tango in Buenos Aires

**Photo D:** IALS Board, representing 16 different countries, at the Buenos Aires conference

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