

70 YEARS OF ALTA IN THE FURTHERANCE OF LEGAL EDUCATION IN AUSTRALASIA AND OF THE WORK AND INTERESTS OF UNIVERSITY LAW SCHOOLS

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I INTRODUCTION

The oldest of ad hoc law associations—ultimately named the Australasian Law Teachers Association (ALTA)—was established at Sydney Law School on 5 June 1946 when a meeting took place of all Deans and full-time teachers of law in Australian universities, together with some part-time teachers. As was stated at the meeting:

In Australia, there has not been in the past, at least to the knowledge of present Faculty members, any federal organisation of the law schools as such. Individualism has its advantages, but in the post-war world, with its problems of teaching personnel, content of the curriculum, and increasing student numbers, there is a need for the Universities to pull together and assist each other as far as possible. The traditions of this country are such that there is no possibility of rigid uniformity in the solution of the problem of legal education—but sharing of experience might remove some of those differences which impose such hardship on the student who, for personal reasons, must move from one State to another before this course is completed.¹

The meeting also declared that the objects of the Association as expressed in the Constitution, would be as follows:

- (a) the furtherance of legal education in Australia and of the work and interests of University law teachers;
- (b) the encouragement and organisation of legal research and the publication of contributions to legal knowledge;
- (c) the promotion of active co-operation of the University law schools of Australia with one another, with law schools elsewhere and with University, professional, and other learned bodies in Australia and elsewhere;
- (d) the maintenance of close relations between the Universities and the legal profession; and
- (e) co-operation with professional legal associations and other bodies in the work of law reform.²

The first President of the Association was Professor G W Paton who held this position from 1946 to 1948. At the time of its foundation the original name of the Association was the Australian Universities Law Schools Association (AULSA), with ‘Australian’ being replaced in 1962 by ‘Australasian’ to encourage the greater involvement of New Zealand law schools and law academics. This remained as its title until a name change to the Australasian Law Teachers Association (ALTA) was approved at the Association’s Conference Annual General Meeting at the University of Sydney in July 1988.

The account of the initial meeting in 1946 is helpful in capturing the views of legal academics at that time. There is a sense of irony in Professor Paton’s report of the proceedings: ‘At a preliminary meeting, the world could not be re-moulded, but some energetic preparatory work in the circulation of documents enabled the broad issues to be discussed.’³ These broad issues revealed the view that: ‘Whatever the demand for more technical subjects, the *cultural* subjects

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1 George Paton, ‘Australian Universities Law Schools Association’ (1946) 20 *Australian Law Journal* 99.

2 Ibid.

3 Ibid 100.

should find a place in the law course.⁴ It was also recognised that ‘to overload the full-time teachers with lecturing leads to inefficiency and inhibits original research.’⁵

There was also a statement relating to what the relationship would be between the State universities and the new university proposed for Canberra: the Australian National University (ANU). In their statement, the members of AULSA stressed their concerns about excessive teaching and administrative loads on full-time members of staff, which inhibited them from undertaking research:

This conference welcomes the proposed establishment of one or more research chairs in Law in the Australian National University as a recognition of the importance of expanding legal research activities at all the Australian Universities as a matter of national importance. In making this statement the conference emphasises the restriction on research by University law teachers which arises out of their being over-burdened with teaching and administrative work. The conference, while appreciating the valuable contribution to legal education made by practising members of the profession in their capacity as part-time lecturers, therefore stresses the importance of creating more Chairs and full-time lectureships in Law.⁶

In assessing the influence of AULSA and its successor ALTA, on the development of legal education, it is helpful to consider their activities from 1946 to the present.

II PRINCIPAL ACTIVITIES

A Establishment of a Committee of Law Deans

In the Minutes of AULSA’s Annual General Meeting held at the University of Western Australia on 25 August 1978, the President’s Report contained the following Item under the title ‘Committee of Deans’:

As a result of a request from the Australian Legal Education Council, the Executive [of AULSA] proposed the establishment of a Committee of Deans for Australian Law Schools. After correspondence between the Executive Vice-President and the Deans of various law schools it has been proposed that the proposed Committee of Deans should remain outside the AULSA organisation but should liaise with AULSA and report to the Annual General Meeting of the Association. The Committee Deans had met during the Conference and a report would be made later.⁷

B Introduction of the Australasian Law Teaching Clinic

The first national law teaching clinic in Australia (the NSW Law Teaching Workshop) was conducted at Mount Broughton NSW in July 1987, by Professor Neil Gold and Mary Gerace (who were both of the University of Windsor, Canada) under the auspices of AULSA. This teaching clinic was coordinated by Professor Jack Goldring of the Macquarie Law School.

Following the success of this inaugural venture, in 1988 the Annual General Meeting of AULSA requested that Professor Goldring organise another Teaching Workshop to be held later in the same year. A small committee was established and plans for this workshop were formulated. It was decided that the workshop should be named the Australasian Law Teaching Clinic, and to ensure that it conformed to the terms of the AULSA Charter, it included: Australian, New Zealand and Papua New Guinea law teaching institutions. At about this time, Professor Goldring took up a three-year appointment as a Commissioner of the ALRC, and so Ben Boer and Graeme Cooper took over the role of coordinating the renamed Australian Law Teaching Clinic, assisted by Marlene Le Brun, Richard Johnstone and Richard Chisholm. The Clinic

4 Ibid.

5 Ibid.

6 Ibid.

7 Australasian Universities Law Schools Association, ‘Minutes, AGM’ (1978) 3.

was again conducted at Mount Broughton, with the materials being provided by Ben Boer and Graeme Cooper.⁸

The Clinic was the forerunner of a number of Law Teaching Clinics, later renamed the ALTA Law Teaching Workshop. Michael Adams, who attended the Clinic in 1992, has described how it ‘brought theory to the practice of teaching law, and ... was an amazing experience to hone skills and look at assessment and issues of presentations.’⁹ Another outcome of the Australian Law Teaching Clinic was the 1994 publication of *The Quiet Revolution* by Marlene Le Brun and Richard Johnstone, which was about the improvement of student learning in law, and in which the authors acknowledge the influence of the Australasian Law Teaching Workshop:

The most successful development, however, has been the Australasian Law Teaching Workshop, which over the last several years has taken the work that began in Canada and extended it to particular applications for the region. Indeed, this book is the culmination of the efforts and commitment demonstrated by staff of the Workshop who were determined to ensure that appropriate text and materials were available to teachers in Australia.¹⁰

The activities of the ALTA Law Teaching Workshop were terminated at the ALTA Annual General Meeting in Fremantle 2003. This meeting decided that because of the number of teaching courses being conducted by the Universities, there was no further need for a specialist teaching workshop of the kind operated by ALTA. However when ALTA conducted a survey of its members in 2007, on future services that it might provide, the ALTA Executive was surprised when a majority of members requested a revival of the Law Teaching Workshop. The Executive responded by providing a major teaching workshop exercise on the day preceding the ALTA Annual Conference for 2009 at the University of Western Sydney.

C The Legal Education Review

The publication of the first edition of the *Legal Education Review* (LER) in 1989 was an outcome of the ALTA Conference held at the University of Sydney Law Faculty in August 1988. One could question why it took approximately 35 years from ALTA’s original inception, for such a journal to evolve. But the 1988 Conference had been a major milestone in the development of ALTA, and the LER incorporated many of the articles and comments that had been delivered at the 1988 Conference.¹¹ The most controversial of these had been made by: Gerald Frug of the Faculty of Law, Harvard University;¹² Robert W Gordon of the Faculty of Law, Stanford University;¹³ Catharine MacKinnon of Osgood Hall and Yale Law Schools;¹⁴ Margaret Thornton of Macquarie Law School;¹⁵ and Lucinda Finley of the Law School, State University of New York at Buffalo.¹⁶ Since its first edition the LER has become a highly regarded law journal having been published on a regular basis until the present time.

8 Ben Boer, ‘The Australasian Law Teaching Clinic: Its Past, Present and Future’ (1989) 1 *Legal Education Review* 145.

9 Interview With Michael Adams, Dean of Law, University of Western Sydney (Sydney, 8 December 2013).

10 Marlene Le Brun and Richard Johnstone, *The Quiet Revolution: Improving Student Learning in Law* (Law Book Co, 1994) ix.

11 ‘Editorial’ (1989) 1 *Legal Education Review* 1.

12 Gerald Frug, ‘A Critical Theory of Law’ (1989) 1 *Legal Education Review* 43.

13 Robert Gordon, ‘Critical Legal Studies as a Teaching Method, against the Background of the Intellectual Politics of Modern Legal Education in the United States’ (1989) 1 *Legal Education Review* 59.

14 Catherine MacKinnon, ‘Feminism in Legal Education’ (1989) 1 *Legal Education Review* 85.

15 Margaret Thornton, ‘Women and Legal Hierarchy’ (1989) 1 *Legal Education Review* 97.

16 Lucinda Finley, ‘Women’s Experience in Legal Education: Silencing and Alienation’ (1989) 1 *Legal Education Review* 101.

III TRANSITION

In 1988 not only did AULSA become ALTA but ALTA was transformed by a further amendment to the Constitution that was approved at the Annual General Meeting when full membership was granted to all teachers of law and PLT courses in tertiary institutions in its constituent jurisdictions. Previously, full membership had been confined to law teachers in universities.

This constitutional amendment avoided the problems that had previously arisen in the United Kingdom Society of Legal Scholars, where full membership had been refused to polytechnic law teachers and other tertiary law teachers outside the university sector. This had led to the excluded law academics forming their own law teachers' association, the Association of Law Teachers, resulting in a continuous split between the two academic law associations which has persisted until the present.

In an interview, Rosalind Mason, who was one of the first beneficiaries of this constitutional change and coming from a College of Advanced Education at that time, has described how she was affected by the enthusiastic nature of the 1988 Conference and how it eventually led to her becoming Chairperson of ALTA in 2006.¹⁷ Another outcome of the changes instituted at the 1988 Conference was that the practice of member law schools submitting their Annual Reports to the Annual General Meeting of the Conference, gradually disappeared.

IV CONCLUSION: ONGOING OUTCOMES AND THE FUTURE

Although Professor Paton recognised in 1946 that the world of legal education could not be immediately remoulded, he would nevertheless have been surprised if he could have foretold the status of ALTA in 2015. ALTA operated out of permanent headquarters on the Kuringgai Campus (Lindfield) of the University of Technology, Sydney, with a paid administrator/coordinator until 2015, when the association moved to the ANU College of Law. It has a General Executive which embraces representatives from most states and territories in Australia and also a New Zealand Executive. It publishes two major journals annually: the LER and the *Journal of the Australian Law Teachers Association* (JALTA). The LER is a refereed journal and Michelle Sanson, a former editor, has expressed how being in this role was 'a great experience in terms of knowing who all the movers are in legal education and [seeing] where the law is developing.'¹⁸ JALTA was launched to assist members who publish papers in the ALTA Conference proceedings by providing a double-blind peer reviewed journal. This satisfies the current institutional requirements for refereed journals with respect to higher education research data collection purposes. Both the journals are distributed electronically on an annual basis to members. ALTA also sponsors a third publication called the Legal Education Digest (LED) which is distributed electronically to members on a tri-annual basis.

The focal point for most members is the Annual Conference which is normally hosted by a member law school, takes place over three days and is attended by 150 to 200 members: approximately a quarter of the membership. As well as the featured speakers who deal with ongoing legal issues in the plenary sessions, a major part of the conference is the activities of the 30 interest groups that focus on contemporary matters of interest in legal education. There are also sponsored awards such as the Lexis Nexis-ALTA Award for Excellence and Innovation in the Teaching of Law, and the CCH-ALTA Best Conference Paper Award.

The successful culmination of the 70th Annual Conference in July 2016, exemplified the ongoing success of this major event in the Association's calendar. The event was hosted in New Zealand by the Victoria University Wellington Law School and attended by 145 delegates with in excess of 100 conference paper presentations. The Dean of the Victoria University Law School, Professor Mark Hickford, the then President of ALTA, presided over the Conference with the Chair of the Conference Committee Associate Professor Alberto Costi. Apart from

17 Interview With Rosalind Mason, Professor and Head, Law School, QUT (Sydney, 23 August 2013).

18 Interview with Michelle Sanson, Senior Lecturer, UWS School of Law (Sydney, 12 February 2014).

the milestone of the 70th Anniversary of the establishment of ALTA in 1946, the Association honoured its distinguished supporters in New Zealand: the Hon. Sir Geoffrey Palmer and Dame Sian Ellis, Chief Justice of the New Zealand Supreme Court, as Honorary Life Members of ALTA. A similar honour was also conferred on two longstanding New Zealand Executive Committee Members, Associate Professor Alexandra Sims and Dr John Hopkins.

There were also important innovations introduced at the conference meeting of the ALTA Executive Committee under the leadership of the Committee's Chairperson, Professor Stephen Bottomley. These would involve greater contact and influence by Interest Group Convenors and Law School ALTA Representatives which should have a beneficial impact on the future involvement of ALTA members in the activities of the Association. With a membership base in excess of 850 members, as well as strong links with government bodies and other national and international key agencies, ALTA has gained an influential position with respect to the promotion of legal education, research and scholarship throughout Australia, New Zealand and the South Pacific Region.