Closing Panel - Is legal education in a state of evolution or revolution?

Barker, David; Galloway, Kate; Adams, Michael; James, Nickolas

EVOLUTION OR REVOLUTION? CHALLENGING LEGAL EDUCATION AND SCHOLARSHIP

AUSTRALASIAN LAW ACADEMICS ASSOCIATION CONFERENCE 2022

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Monash University Law Chambers
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EVOLUTION OR REVOLUTION? CHALLENGING LEGAL EDUCATION AND SCHOLARSHIP

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CONFERENCE PROGRAM

THURSDAY 7 JULY (ECA DAY)

10:30 – 11:00	**CONFERENCE REGISTRATION** (Chambers Foyer, Ground Floor)
11:00 – 11:15	**ECA DAY WELCOME** (Auditorium, Ground Floor) Zoom link (same link for the entire ECA DAY)
11:15 – 12:15	**ECA PANEL – LEARNING TO JUGGLE: PROGRESSING YOUR CAREER AS AN ECA (HYBRID)** (Auditorium, Ground Floor) • Presenters: Alysia Blackham and Luke Beck • Discussants: Tamara Wilkinson and Liam Elphick
12:15 – 1:00	**SESSION 1 – RESEARCH PROFILES** (Auditorium, Ground Floor) • Jade Roberts • Catherine Robinson • Yvonne Breitwieser-Faria (online)
1:00 – 1:30	**LUNCH** (Chambers Foyer, Ground Floor)
1:30 – 2:30	**SESSION 2 – LEGAL EDUCATION AND SCHOLARSHIP** (Auditorium, Ground Floor) • Bill Swannie – Advice from an Early Career Academic • Maria Bhatti – Experiences of Muslim Students in Australian Universities – A Scoping Review • Jessica Kerr (online) – Pre-Appointment Judicial Education: Evolution or Revolution? • Hannah Smith and Marion Mundt – Assessing Google's Acquisition of Fitbit to Explore the Contributions of Interdisciplinary Insights to Legal Scholarship
2:30 – 3:30	**SESSION 3 – RESEARCH PROFILES** (Auditorium, Ground Floor) • Rangika Palliyaarachchi • Elpitha (Peta) Spyrou • Joshua Yuvaraj (online) • Alessandro Silvestri (online)
3:30 – 4:00	**AFTERNOON TEA** (Chambers Foyer, Ground Floor)
4:00 – 5:00	**SESSION 4 – LEGAL RESEARCH** (Auditorium, Ground Floor) • Richard Taylor – Taxation Law and Grounded Theory • Leavides Domingo-Cabarrubias – Locating Women's Right to Food in Development Work: A Critical Examination of the Asian Development Bank's Policies and Practices • Samuel Tyrer – A New Theorisation of 'Home' as a Thing in Property • Michelle de Souza – Testing Embryos for IQ
5:00 –	**CONFERENCE WELCOME DRINKS AND CANAPÉS** (Chambers Foyer, Ground Floor) ALAA Chair Professor Natalie Skead

FRIDAY 8 JULY

9:00 – 9:20	**CONFERENCE REGISTRATION** (Chambers Foyer, Ground Floor)			
9:20 – 9:35	**WELCOME FROM MONASH LAW DEAN PROFESSOR BRYAN HORRIGAN** (Auditorium, Ground Floor) Zoom link			
9:35 – 10:10	**KEYNOTE SPEECH, PROFESSOR SALLY KIFT** (Auditorium, Ground Floor) Zoom link			
10:10 – 10:15	Housekeeping and announcements			
10:15 – 10:30	**MORNING TEA** (Chambers Foyer, Ground Floor)			
10:30 – 12:00	**SESSION 1A – Digital and Online Teaching** (Auditorium, Ground Floor) Zoom link	**SESSION 1B – Critical Reflections** (Seminar Room 6, Second Floor) Zoom link	**SESSION 1C – Perspectives on Legal Research** (Seminar Room 7, Second Floor) Zoom link	**SESSION 1D – Evolutions in Experiential Education** (Seminar Room 8, Second Floor) Zoom link
	Marilyn Pittard – The virtual classroom in legal education: Should there be a right to teach in the virtual classroom?	Haley McEwen – Reflective Practice in Legal Education	Heidi Savilla (online) – Teaching legal research: threshold concepts to inform the curriculum	Kathleen Raponi (online) – Don't Judge A Field Trip By Its Delivery: Experiential learning in a Virtual Law Field Trip
	Tamara Wilkinson and Craig Horton – Converting to Online – Best Pedagogical Practices and Practical Realities	Jennifer McKay and Srecko Joksimovic – Critical reflections on environmental law by students	Samuel Beswick (online) – The Open Casebook Revolution	Ronán Feehily (online) – Evolution or Revolution; Experiential Learning and Assessment in Legal Education
	Cornelia Koch (online) – 'I have never done such a course in law before.' The technological and pedagogical revolution -engaging students through flipped, blended, scenario-based, collaborative learning (all at once)	May Cheong, Graeme Lyle La Macchia, Kate Robinson (online) – "Yarning" as a live resource for Indigenous Cultural Competency	Alysia Blackham (online) – Evolution for a Revolution: Challenging Legal Education and Scholarship through Empirical Research Methods	David Plater (online) – Helping Change the World? Law Students and Law Reform in South Australia through the South Australian Law Reform Institute
	Julian Webb, Vivi Tan, Jeannie Paterson (hybrid) – Law, Technology And Curriculum Innovation: (Re)Framing The Issues	Metiria Stanton Turei (online) – Indigenising the NZ LLB	Natalia Antolak Saper – Scholarship for the Legal Community: 'Enhancing the Contribution of Legal Academics to the Development of the Law	Narelle Bedford, Alice Taylor and Wendy Bonython (hybrid) – Climbing down from the ivory tower? Law reform participation as authentic assessment
12:00 – 12:45	**REVOLUTION OR EVOLUTION IN AUSTRALIAN LEGAL EDUCATION: DEANS' PERSPECTIVES – CONVENED BY UNIVERSITY OF WESTERN AUSTRALIA DEAN OF LAW PROFESSOR NATALIE SKEAD** (Auditorium, Ground Floor) Zoom link			
1:00 – 1:30	**LUNCH** (Chambers Foyer, Ground Floor)			
1:30 – 3:00	**SESSION 2A – Panel: Raising the Bar – Developing Core Competencies in Interdisciplinary Legal Education** (Auditorium, Ground Floor) Zoom link	**SESSION 2B – Innovations in Assessment** (Seminar Room 6, Second Floor) Zoom link	**SESSION 2C – Exploring Student Voices and Experiences** (Seminar Room 7, Second Floor) Zoom link	**SESSION 2D – Perspectives on Commercial Law** (Seminar Room 8, Second Floor) Zoom link
	Presented by Doris Bozin, Allison Ballard, Vicki De Prazer and Jenny Weekes (hybrid)	Liam Elphick and Paul Burgess – Changing the Way That we Teach: The Benefits of Adding Legal Essay Writing Workshops to the Law School Curriculum	Upeka Perera and Darryl Coulthard – Change, Stress and Law Students	Robin Woellner (online) – Sharpening the boundaries of Legal Professional Privilege - Evolution or Revolution?
		Stephanie Falconer and Emma Henderson – [R]evolutionary assessments: Practical legal skills assessment by video	Ursula Cheer, Lynne Taylor (online) – What happens after graduation? New Zealand law graduates' workplace experiences	Trish Keeper (online) – Social media financial influencers and the new class of 'do it yourself' investors: risks and opportunities
		Bree Williams – What is the purpose of legal writing education? An exploratory study	Sagi Peari (online) – Learning Strategies Applicable to International Students	Jonathan Barrett – Philanthropy as a Substitute for Taxation: from the Athenian Liturgies to the Chinese Third Distribution
		Aidan Ricciardo and Julie Falck – Letting them Learn how to be Law Students: Student Perceptions of 'Ungraded Pass/Fail' Assessment in the Foundational Subject of a Qualifying Law Degree	Francesca Bartlett, Francina Cantatore, Rachael Field and Mandy Shircore (hybrid) – Pro bono models in law schools and the student experience: Challenges and opportunities moving forward	Benjamin T Kujinga (online) – Lifting the corporate veil in tax evasion cases as a way of curbing tax evasion by companies

3:00 – 3:30	**AFTERNOON TEA** (Chambers Foyer, Ground Floor)			
3:30 – 5:00	**SESSION 3A – Panel: LEADing the Evolution of Teaching, Learning and Assessment in the Legal Education Sector** (Auditorium, Ground Floor) Zoom link Presented by Judith Marychurch, Kelley Burton, Julian Laurens, Francesca Bartlett, Maxine Evers and Nicole Graham	**SESSION 3B – Panel: Mooting and the Law School** (Seminar Room 6, Second Floor) Zoom link Presented by Drossos Stamboulakis, Lisa Spagnolo and David Tan	**SESSION 3C – South Pacific Legal Studies Interest Group** (Seminar Room 7, Second Floor) Zoom link Unaisi Narawa-Daurewa (online) – The Lonely Learner: Teaching Law in the Pacific Bridget Fa'amatuainu (online) – Critical reflections on Pacific decolonial pedagogies in law teaching: Aotearoa and Samoa Beatrice Tabangcora – Looking Backward, Looking Forward: Reflections on Legal Education at The University of the South Pacific Jennifer Corrin – Legal Scholarship in Oceania	**SESSION 3D – Teaching Opportunities and Challenges** (Seminar Room 8, Second Floor) Zoom link Meika Atkins, Stephanie Bruce, Christina Do, Hugh Finn, Andrew Brennan, Janie Brown – Developing the Evaluative Judgment Of Law Students Through Assessment Rubrics Ursula Cheer, Lynne Taylor (online) – Looking Back and Looking Forward: Challenging Legal Education by Interrogating the Law Learning Experience Before and After Graduation Sarah Moulds – Belonging in the Law Classroom: Rising to the Challenge of Creating a Place where every new law student belongs Louise Parsons (online) – Oral Advocacy on Virtual Platforms: Zoom and Doom?
6:30 –	**CONFERENCE DINNER AT THE HELLENIC MUSEUM,** SPONSORED BY THE COUNCIL OF AUSTRALIAN LAW DEANS AND LEXISNEXIS			

SATURDAY 9 JULY

9:00 – 9:30	**CONFERENCE REGISTRATION** (Chambers Foyer, Ground Floor)			
9:30 – 11:00	**SESSION 4A – Teaching and Supervising Legal Research and HDR** (Auditorium, Ground Floor) Zoom link Chris Dent – The Honours Thesis in Changing Times Vai Io Lo (online) – Confucian Pedagogy and HDR Supervision Samantha Kontra (online) – The Evolution of Legal Research Teaching: Embracing both External and Internal Challenges Jade Lindley, Natalie Skead and Natalie Brown (online) – Optimising Law PhD and SJD Supervision	**SESSION 4B – AI and Emerging Technologies** (Seminar Room 1, First Floor) Zoom link Chris Marsden (online) – Artificial Intelligence co-regulation: a legal technology history Paul Burgess – Rule of Law Revolutions: AI's Exercise of Constitutional Power Ibnu Sitompul (online) – The Challenge of Information and Technology on Legal Education Caroline Hart and Aaron Timoshanko (online) – Revolutionsing the Law Curricula? Legal Educations' Imperative to Meet Impacts of Emerging Technologies Through Leadership and Engagement	**SESSION 4C – Engaging Legal Pedagogy** (Seminar Room 2, First Floor) Zoom link Bill Swannie – Is Intensive 'Block Model' Delivery the Future of Legal Education in Australia? Caroline Daniell (online) – Developing a Holistic Legal Pedagogy Carlo Soliman, Michael De Martinis – Teaching and learning in Law: Beyond traditional pedagogical models in the post pandemic world Renato Saeger M Costa (online) – Beyond Zoom Meetings: The Experience of Teaching on YouTube	**SESSION 4D – Governance, Regulation and the Legal Profession** (Seminar Room 3, Second Floor) Zoom link Christopher Umfreville (online) – The Solicitors Qualifying Examination – An Opportunity for Revolution in Legal Education in England and Wales? Guy Charlton, Michael Adams – DAO: the most revolutionary approach to corporate governance Sascha Mueller – Deliberative Risk Governance Eu-Jin Teo – 'Under Pressure …'? Section 39 of the Legal Profession Uniform Law and the Federal Commissioner of Taxation
11:00 – 11:30	**MORNING TEA** (Chambers Foyer, Ground Floor)			

11:30 – 1:00	**SESSION 5A – Panel: Evolving legal work experience to improve how it works (hybrid)** (Auditorium, Ground Floor) Zoom link Presented by Anne Hewitt, Laura Grenfell, Deanna Grant-Smith, Craig Cameron, Stacey Henderson	**SESSION 5B – Panel: Clinical legal education: Adapting to a changing global reality** (Seminar Room 1, First Floor) Zoom link Presented by Jeff Giddings, Hubert Algie, Ross Hyams, Sara Kowal, Jennifer Lindstrom and Jackie Weinberg	**SESSION 5C – Current Perspectives in Legal Teaching 1** (Seminar Room 2, First Floor) Zoom link Kate Offer, Marco Rizzi – Mooting In Torts: An Alternative Assessment In The Core Curriculum Katherine Owens – The Juris Doctor Degree: Reflections from Australia Jessica Mant – Teaching Family Law in Neoliberal Times: Lessons from England and Wales	**SESSION 5D – Current Perspectives in Legal Teaching 2** (Seminar Room 3, Second Floor) Zoom link Shivani Singh (online) – Virtual or Reality? Where does the legal profession fit in? Rangika Palliyaarachchi – Teaching Interdisciplinary Law Subjects: Approaches, Challenges, And Way Forward Trevor Daya-Winterbottom (online) – Revolution Aotearoa?
1:00 – 2:00	**LUNCH** (Chambers Foyer, Ground Floor) **AGM** (Boardroom, First Floor) Zoom link			
2:00 – 3:30	**SESSION 6A – Panel: Queering the Australian Law Curriculum** (Auditorium, Ground Floor) Zoom link Presented by Paula Gerber, Tamsin Phillipa Paige, Claerwen O'Hara, Danish Sheikh	**SESSION 6B – Climate, Environment and Disaster** (Seminar Room 1, First Floor) Zoom link Nathan Cooper – (Re)imagining and (re)teaching human rights in the Climate Crisis Toni Collins – The dispute resolution system used post-disaster should not become the disaster! Katie O'Bryan – Future Directions in Australian Legal Education: Environmental Law, Earth Jurisprudence and Legal Rights for Nature – Not as Revolutionary as You Might Think!	**SESSION 6C– Contemporary Challenges** (Seminar Room 2, First Floor) Zoom link Monique Cormier – AUKUS, Nuclear-Powered Submarines and the Impotence of International Law Robin Bowley – Preventing the maritime facilitation of terrorism: Post-9/11 perspectives on vessel interdiction powers Stephen Graw – Vicarious Liability for the Wrongs of Volunteers Bede Harris – Should Australia's Judges Resign?	**SESSION 6D – Curriculum and Careers** (Seminar Room 3, Second Floor) Zoom link David Barker – Distant Voices – Toll Roads/Night Watchmen and Law Made Simple (Reflections on a varied selection of research and publishing topics) Brett Woods and Ruth Liston – Reflections from the Precariat: Impacts of insecure employment of sessional legal academics on wellbeing, teaching practices and student learning experiences Craig Cameron – Blockchain Law: A decentralised curriculum for a decentralised technology Barry Yau (online) – "Seven Up": Challenges, external forces and opportunities in the diverse trajectories of a cohort of law graduates and lawyers since 2014
3:30 – 4:00	**AFTERNOON TEA** (Chambers Foyer, Ground Floor)			
4:00 – 4:45	**PANEL: IS LEGAL EDUCATION IN A STATE OF EVOLUTION OR REVOLUTION? (HYBRID)** (Auditorium, Ground Floor) Presented by David Barker, Kate Galloway, Michael Adams and Nick James Zoom link			
4:45 – 5:00	**CLOSING REMARKS BY MONASH LAW DEAN PROFESSOR BRYAN HORRIGAN** (Auditorium, Ground Floor)			

CONFERENCE ABSTRACTS

THURSDAY 7 JULY (ECA DAY)

All sessions chaired by Liam Elphick and Tamara Wilkinson

SESSION 1 – RESEARCH PROFILES

Jade Roberts

I am a PhD Candidate at Melbourne Law School and from 2020-2021 was a Teaching Fellow. Since 2019, I have been working on an ARC Discovery Grant, with Professors Adrienne Stone and Carolyn Evans, on the topic of academic freedom in the modern university, and my work has include contributing to the book Open Minds: Academic Freedom and Freedom of Speech in Australia (Black Inc. Books, 2021). I am currently researching the impacts of casualisation in the university workforce and ministerial intervention into research funding on academic freedom in Australian universities.

Catherine Robinson

I am a Lecturer (Education Focused Academic) at UTS, Sydney and am currently completing my PhD part-time at the UoA titled 'Regulation of Insolvency Practitioners under the *Insolvency Law Reform Act 2016* (Cth)'. While my workload is 60/30/10, the distribution has significantly blurred, particularly since 2020, with the ongoing pedagogical challenges to teaching, undertaking two funded research projects for the Commonwealth Government on insolvency regulation in 2019–21 and 2021–22, striving to publish peer-reviewed articles *as well as* writing my PhD, and contributing to service roles including as a member of the Faculty Equity and Diversity Group.

Yvonne Breitwieser-Faria (online)

Yvonne Breitwieser-Faria is a PhD candidate, CPICL research scholar, casual academic and RTP scholar at the TC Beirne School of Law, University of Queensland. She teaches public international law (undergrad and postgrad). Her thesis focuses on States' legal obligations and international responsibility to prevent atrocity crimes. She has published in atrocity law and on State responsibility, with her publications appearing in the Australian International Law Journal, the German Yearbook of International Law, the University of Tasmania Law Review, and the Oxford University Press. Prior to commencing her PhD, she completed a Magistra iuris with specialisation in international legal practice and language and LLM at the University of Vienna.

SESSION 2 – LEGAL EDUCATION AND SCHOLARSHIP

Bill Swannie – Advice from an Early Career Academic

This presentation outlines my personal experiences as an early career legal academic (ECLA), and my advice other ECLAs. The demands of academic work are greater than ever, and ECLAs need to be strategic in order to survive and to prosper. My advice to other ECLAs is to:

- Find a trusted and experienced mentor to support your journey
- Find an area of teaching and research that you're passionate about
- Ensure that you network widely, in the legal profession and the academy
- Ask questions and seek advice whenever you're unsure
- Plan the next step in your career.

Maria Bhatti – Experiences of Muslim Students in Australian Universities – A Scoping Review

This WIP snapshot will present findings examining whether the Australian tertiary education sector supports and empowers Muslim students. No research to date has been conducted on the experiences of Muslim students studying law in Australia. Although much has been written about students with carer responsibility, students with disabilities, and LGBTQIA+ students in Australia, very few research studies focus on the experiences of Muslim students. My research fills this gap by a scoping review that will lead to further qualitative projects. Since details of religious affiliation are not collected by universities, updated qualitative research needs to be conducted at law schools to draw attention to the experiences of Muslim students.

Jessica Kerr – Pre-Appointment Judicial Education: Evolution or Revolution?

Judicial education is a concept at a crossroads. No longer dismissed as an affront to the independence of common law judges, it still occupies a precarious space at the periphery of judicial regulation. The seamless transfer of professional competence from bar to bench is no longer a plausible expectation. Nevertheless, the invaluable specialised training offered to modern judges remains voluntary, largely confidential, and immune from assessment. It is also persistently limited to the post-appointment context. This snapshot introduces arguments for more open and proactive investment in judicial education, with a focus on supporting the professional development of future judges.

Hannah Smith and Marion Mundt – Assessing Google's Acquisition of Fitbit to Explore the Contributions of Interdisciplinary Insights to Legal Scholarship

One evolution in academia is the increasing interest in pursuing interdisciplinary work. Through an exploration of the impact of Google's acquisition of Fitbit, we will demonstrate what interdisciplinary work can look like in practice and what it can contribute to the legal discipline. This work-in-progress shows how the underlying technology and validity of consumer wearables should inform the application of competition and consumer protection law and human rights to provide a richer understanding of the acquisition's impact on individuals, communities, and wider society. Doing so provides further context for considering the potential for more tailored and responsive forms of governance.

SESSION 3 – RESEARCH PROFILES

Rangika Palliyaarachchi

My research interests lie broadly in commercial law, including but not limited to corporations law, consumer law and contract law. Over the past four years, my research interests have focused mainly on understanding how organisations and, more specifically, corporations construct the content and meaning of laws. I examine how socio-legal frameworks can be used to understand the meaning-making process. I believe that such understanding is imperative in designing corporate regulatory regimes and achieving desired regulatory outcomes.

Elpitha (Peta) Spyrou

The compulsory education of students with disability related challenging behaviour may produce a unique clash of interests between the child; the child's legal guardian; as well as the wider school community. However, little is known about how the conflict within such complaints are resolved, if at all. My research investigates how South Australian and Victorian students with disability related challenging behaviours, and their supporters, attempt to enforce the student's anti-discrimination protections at both state and federal levels. The research addresses this knowledge gap through employing a 'multi-methods' approach across three phases, which seeks to revolutionise both legal and educational scholarship in the process.

Joshua Yuvaraj (online)

Empirical legal research is a fast-developing area of legal scholarship. This presentation focuses on my experiences with empirical legal research throughout my doctoral research. I adopted a variety of methodological approaches including manual document coding and automated analysis of large datasets. I explain what I have learned doing empirical legal research, the benefits and challenges of empirical work, and the benefits of interdisciplinary collaborations. Based on my experiences, I then present potential pathways for empirical legal research both in my specific research area (copyright law) and in legal scholarship more generally.

Alessandro Silvestri (online)

Alessandro is a PhD candidate at the University of Western Australia specialising in the role of civilians in armed conflict under the overarching legal framework of international humanitarian law. His research focuses on the increasing 'civilianisation' of warfare and how the legal status of civilians may change as a result of their participation in hostilities, a topic which is currently under global spotlight during the Ukrainian conflict.

SESSION 4 – LEGAL RESEARCH

Richard Taylor – Taxation Law and Grounded Theory

How do companies behave in response to changes in taxation law? Grounded Theory, an inductive research method, is being applied to my research data to ground theories around company behaviour in the mining sector from interviews with executives in Indonesia, Papua New Guinea and the Lao PDR. Theories are being developed to better understand the phenomena of company behaviour in response to tax changes. Outcomes will provide insights into how companies mitigate or react to changes in taxation law, with potential implications for a range of policy makers.

Leavides Domingo-Cabarrubias – Locating Women's Right to Food in Development Work: A Critical Examination of the Asian Development Bank's Policies and Practices

My research examines the policies and practices of the Asian Development Bank using the right to food and substantive equality framework. The right to food is a widely accepted legal and normative framework for addressing food insecurity. However, as currently formulated, the right to food is insufficient as a framework to tackle gender-specific barriers that impede women's access to food. Women's food insecurity should be approached from a broader formulation of the right to food that is informed by a substantive equality perspective, drawing from interpretations by human rights bodies which have pushed for a more substantive notion of equality.

Samuel Tyrer – A New Theorisation of 'Home' as a Thing in Property

My thesis argues that 'home'–the experience which individuals' have in housing–is a thing which is capable of being the subject matter of property. I make this argument by demonstrating that home can be theorised in such a way that property laws can be seen to impact on that experience. Once this is accepted, it can be further argued that as the arbiter of property systems the state must protect the home experience for individuals under property. This is essential to legitimate property rights in housing, drawing on the personhood and human flourishing theoretical justifications for property.

Michelle de Souza – Testing Embryos for IQ

In 2018, an American biotechnology company developed a test that could identify if an embryo created through in vitro fertilisation (IVF) would become a person with a low IQ. As the same approach could be used to predict if an embryo will become a person with an above average IQ, such tests raise questions about reproductive choice, and what sort of children prospective parents should have the freedom to create through assisted reproductive technology (ART). Much of the literature around the ethics of selecting for non-disease characteristics was published prior to the development of any test for such characteristics. This paper reviews and applies these arguments in the context of the Australian regulatory framework and the technology that is currently available – a test for IQ. It examines the concept of reproductive liberty and how this concept should be balanced against the welfare of the future child. It also considers reasons extraneous to the future child's welfare and asks if any such reasons are good enough to restrict the reproductive liberty of prospective parents.

FRIDAY 8 JULY

SESSION 1A – DIGITAL AND ONLINE TEACHING (chaired by Nick James)

Marilyn Pittard – The virtual classroom in legal education: Should there be a right to teach in the virtual classroom?

The global pandemic, through government orders or employer directives, forced academics to work from home and to teach from home. It had not been envisaged that tertiary education could be delivered online on such a scale as occurred through necessity in the pandemic; and the pandemic proved that it could be done. New skills were rapidly acquired by academic teaching staff to engage students online and to effectively educate students online, and subjects were redeveloped and reorganised to accommodate the new mode. The virtual classroom as the normal teaching mode in the pandemic was born and operated in universities throughout Australia and across the world. There were benefits and disadvantages of the virtual classroom to employees – many though enjoyed the advantages of no commuting time, were able to better support their families and achieve increased productivity. Society too benefitted from reduced congestion on the roads and less pollution. In the post pandemic phase when staff and students are returning to campuses, and universities are generally returning to face to face teaching, the question is being posed as to whether the benefits and experiences of the virtual classroom will now be lost. Current pedagogical wisdom seems to favour the benefits of face to face teaching for students over the virtual classroom. A related question of the debate of the physical classroom versus the virtual classroom, though, has not yet been posed: should there be scope for those who choose to conduct their classes in a virtual classroom, that is, to conduct their classes from home, to do so? Should the flexibility that modern technology entails spawn a new right or employment option for academic educators to perform their teaching from home? This paper explores issues around a new way of teaching from an academic employment law perspective.

Tamara Wilkinson and Craig Horton – Converting to Online - Best Pedagogical Practices and Practical Realities

As part of a pilot program to convert select face to face units to online units, we set out to transform a final year elective – private investment law – into an online unit that represents pedagogical best practices. To do this, we utilised our particular areas of expertise – Craig as an expert on pedagogy, and Tamara as an expert on the unit's content. Because we had free rein as to how we wanted to develop the unit, we changed every aspect (except the legal content) – attendance mode, delivery, synchronicity and assessment. In undertaking this exercise, we came up against the various tensions between education design principles and actual unit delivery. We have aimed to design and deliver a unit that is theoretically and pedagogically sound and plausible from an education design process, while also respecting the needs of the educator, who has to have the skills, motivation, drive and time to deliver the new activities and assessments.

Cornelia Koch (online) – 'I have never done such a course in law before.' The technological and pedagogical revolution – engaging students through flipped, blended, scenario-based, collaborative learning (all at once)

While the COVID-19 pandemic continues to cause significant disruptions, some benefits may have come from it. The pandemic forced significant advances in technology at Universities and built student and staff confidence in using new technologies and working flexibly outside of the classroom. This has revolutionised the opportunities for student engagement and allows for innovative course designs that would not have been imaginable a decade ago. Seizing this opportunity, I have transformed my Comparative Constitutional Law course from a 'traditional' didactic course to a scenario-based constitution-making experience, where students are part of a constitutional convention charged with designing a constitution for a new nation. Pre-class videos, supported by summative quizzes, deliver the core content, freeing classroom time for debate. Students collaborate from week 1 as members of convention delegations from foreign countries. They complete pre-class group tasks in online team spaces. They interrogate each other's work through online platforms that teams respond to in live classes. This new format, strongly enabled by technology and flexible collaborative work outside the classroom, engages students deeply and develops their strong critical thinking and team work skills, as well as digital capabilities. The pandemic has forced technological advances that revolutionise opportunities for course design and student learning.

Julian Webb, Vivi Tan, Jeannie Paterson (hybrid) – Law, Technology And Curriculum Innovation: (Re)Framing The Issues

This paper backgrounds a survey we propose to undertake later this year, examining law schools' current and future responses to the digital transformation of law and legal services. We offer a framing of the curriculum question that, as a starting point, calls for a deep and broad conceptual understanding and categorisation of the main impacts and affordances of digital technology on the legal ecosystem. We then seek to summarise how such understanding might be reflected across the core domains of legal knowledge, professional skills, and values, and argue that digital transformation also has fundamental and perhaps insufficiently considered consequences not just for the courts and legal industry, but for the nature and form of law itself. We conclude by offering some preliminary thoughts on, and an invitation to further discussion of, the ways in which this range of transformations might be better reflected in the law curriculum.

SESSION 1B – CRITICAL REFLECTIONS (chaired by Mandy Shircore)

Haley McEwen – Reflective Practice in Legal Education

Professional 'praxis' requires us to be ethically informed, committed and guided by critical reflection of practice traditions and our own practice. The traditional form of legal education with its focus on substantive and procedural law has evolved to meet the need of legal graduates today, who require the skills to engage in self-management and ethical practice. Remote teaching and flexible learning present particular challenges for students developing self-awareness and resilience as activities designed to develop these 'soft skills' often require participation and role play. Yet the demand for these skills is rising due to the impacts of technological advancement, disasters and unforeseen events which require students and practitioners alike to be adaptable, ethical and resilient. Equipping students with the skills to self-reflect on their strengths and weaknesses from an early stage in their degree can maximise their chances of success and minimise the demands on staff in responding to special circumstances. Implementing reflective practice in teaching in turn supports a commitment to lifelong learning and models the expectations we have for our students.

Jennifer McKay and Srecko Joksimovic – Critical reflections on environmental law by students

We have published a paper from the analysis of 152 environmental law students reflecting on the law they had researched for an assessment. The reflections comprised answers to three questions on their presentation, (how well they did, how to improve, how much time was spent) and this final question in more general – *Write about your personal experience with your topic-were you shocked and surprised about the area of law you have identified?.* This last question was often brought up by students in classroom chats. The analysis of the last question was undertaken and showed a low level of deep critical reflection. All results will be presented. For the 2022 cohort, the course has been amended to include specific information to assist them to learn the value of reflection. This paper will present the same analysis to see if reflections were more critical and examine the implications.

May Cheong, Graeme Lyle La Macchia, Kate Robinson (online) – "Yarning" as a live resource for Indigenous Cultural Competency

In 2011, Universities Australia recommended the development of Indigenous Cultural Competency through embedding of Indigenous knowledge and perspectives in university curricula. In 2020, the Council of Australian Law Deans in its statement on the Working Party on First Peoples Partnership Terms of Reference recognised the importance of the "creation and support of culturally sensitive learning environments that will equip law students with the knowledge and skills to work effectively, respectfully and in equitable partnership with First Peoples". This paper explores the pedagogy of "yarning", a practice common in Indigenous communities as a live resource to engage law students in developing Indigenous Cultural Competency. Yarning has been utilised in Indigenous research methodology; however, its potential for transformational learning through reflecting on shared experiences has not been fully considered. The paper will inquire into the uniqueness of the process of yarning in producing culturally safe environments that promote cultural awareness of Indigenous knowledges and perspectives. The inquiry will involve larger questions of cultural mentoring and cultural protocols and propose beginner steps towards developing Indigenous Cultural Competency.

Metiria Stanton Turei (online) – Indigenising the NZ LLB

This report is from a multiphase research project entitled "Inspiring New Indigenous Legal Education for Aotearoa New Zealand's LLB Degree", a nationwide collaboration of all Māori legal academics in Aotearoa New Zealand's faculties/schools of law. This project is helping to transform legal education and the legal profession in Aotearoa New Zealand, and in turn influence how law impacts the lives of New Zealanders.

Following the publication of our Phase One report, *Strengthening the Ability for Māori Law to Become a Firm Foundational Component of a Legal Education in Aotearoa New Zealand* in August 2020, we made a call for university faculties/schools of law to move in a formal way towards becoming bijural, icultural and bilingual. Such a call is both significant and sensitive, and we needed to find out how such a move might be perceived and, if supported, how it might be undertaken.

We formulated the following research question to guide our Phase Two – Consultation inquiry: Will moving towards a bijural, bicultural and bilingual legal education be a good move for the practice of law in Aotearoa New Zealand and what will be the associated opportunities and risks? We designed Phase Two of the project to test whether our recommendations for change were acceptable in practice and to begin to explore how such change might be implemented. In this session, we report on the results of a survey and expert interviews to seek practical guidance on whether, and if so, we could implement these changes in our law schools.

SESSION 1C – PERSPECTIVES ON LEGAL RESEARCH (chaired by Francesca Bartlett)

Heidi Savilla (online) – Teaching legal research: threshold concepts to inform the curriculum

Law libraries are traditionally viewed as the "heart of the [law] school", providing not only essential resources but expertise that supports the teaching of legal research. This expertise has been challenged by academic library restructures where traditional subject specialists are replaced with functional, cross-disciplinary teams. At Flinders University, this challenge was met by an iteratively designed training program for library staff. This was an exceptionally informative exercise as it exposed threshold concepts in legal information literacy, building on previous research on the knowledge base of novice versus expert searchers. This paper highlights learnings from this experience and discusses ways to improve legal research education by purposefully integrating and scaffolding legal information literacy concepts and skills within (and throughout) the curriculum. It will outline the threshold concepts and report how they informed the redesign of a first-year legal skills topic.

Samuel Beswick (online) – The Open Casebook Revolution

The open-access casebook (OAC) "revolution" (as it was coined in *The Faculty Lounge*), is gaining momentum. OACs are compiled and edited teaching materials hosted on websites and as downloadable and printable PDFs. In the US, dozens of OACs in law are popping up on platforms such as SSRN, Open Textbook Library and H2O. In Canada, CanLII currently hosts two OACs: Professor Semple's *An Introduction to Civil Procedure: Readings* and my *Tort Law: Cases and Commentaries*. These materials are freely available alternatives to commercial casebooks, which are typically expensive, heavy, and have a short shelf-life. OACs have clear practical, societal and pedagogical advantages over commercial casebooks. Practically, OACs are simpler to edit, faster to publish, easier to update, and free. Socially, they advance access to justice. Pedagogically, OACs empower flexibility and innovation. My casebook, for instance, 'follows' cases through chapters so that they reappear in different topics. It links to relevant podcasts, videos, blogs, news, articles, books, and original judgment transcripts. Readers can keyword search it and highlight text. It is integrated with quizzes and exam exercises. This project will appraise and praise the practical, societal and pedagogical benefits of OACs for law teachers and students.

Alysia Blackham (online) – Evolution for a Revolution: Challenging Legal Education and Scholarship through Empirical Research Methods

Legal scholars are increasingly attuned to the benefits and importance of empirical legal research. But how can we maximise the rigour, quality and impact of empirical legal research, and support those who seek to undertake it? In a context where empirical resources are largely designed for sociologists and non-legal fields, what are the uniquely 'legal' problems we might face? Drawing on a case study of a multi-year empirical project, conducted as part of an ARC DECRA grant, this paper considers the way empirical research methods can be adapted for legal research specifically, and the potential contributions such research can make. It examines the unique challenges and obstacles faced by empirical legal researchers, and canvasses how we can better support emerging scholars in this area. In particular, it reflects on the author's experience of establishing an Empirical Research Network at Melbourne Law School, and embedding empirical research in the law curriculum, and the lessons that experience offers for other institutions. It considers the importance of legal education, peer support and training in promoting researcher development, particularly in the context of empirical legal research.

Natalia Antolak Saper – Scholarship for the Legal Community: 'Enhancing the Contribution of Legal Academics to the Development of the Law

A legal academic's audience is wide ranging including those that apply the law: legal practitioners and the judiciary. Despite this, it is uncommon for academic work to be relied upon significantly by counsel in arguments, or to be frequently cited in judgments. This lack of reliance on academic work has an important and real impact on Australian law. For example, academic writing can assist in judicial decision making and 'promote the coherent development of the law.' For academics, an uptake of their work by the judiciary and legal practitioners can be indicative of its impact. An attempt at bridging this gap has been the development of a new online platform – Scholarship for the Legal Community, which makes accessible recently published academic work to legal practitioners and the judiciary. From the perspective of an academic, a practitioner and judge, this presentation explores the synergy between legal scholarship and practice. It outlines the rationale behind the *Scholarship for the Legal Community*, its operation in practice and its possibilities for future reform.

SESSION 1D – EVOLUTIONS IN EXPERIENTIAL EDUCATION (chaired by Sarah Moulds)

Kathleen Raponi (online) – Don't Judge A Field Trip By Its Delivery: Experiential learning in a Virtual Law Field Trip

Field trips have been viewed as a teaching approach which transforms student learning through experience. The Covid-19 pandemic and lockdowns, forced units with an embedded field trip to either employ a virtual field trip or abandon it. In response to the restrictions, the learning design of a Victoria University first year foundational law unit transformed the existing *Parliament Program* field trip to a virtual field trip. This paper describes the implementation of the Parliament virtual field trip in a first year law unit, and explores the impact it has had as an experiential learning experience. Data was collected from students who participated in the Parliament virtual field trip during 2021 via a student survey and analytics from the student learning system. The findings were analysed using *Kolb's experiential learning theory* to determine if virtual field trips can enhance learning in a first year law unit. Study outcomes provide best practice guidelines on the use of virtual field trips, which can be applied in a post-Covid world.

Ronán Feehily (online) – Evolution or Revolution; Experiential Learning and Assessment in Legal Education

As Problem Based Learning (PBL) allows learning to occur in a practice-based or professional context where possible, assessment should reflect this characteristic rather than merely testing for the acquisition of knowledge. Assessment primarily needs to focus on how students integrate the whole learning process, including assessment, as distinct from what has actually been learned and reveal whether students have made an effort to develop their reasoning skills, where the process of discovering a solution is more important than the solution itself. It is suggested that in order to learn from their experiences students should be able to loop back and re-examine the process involved in the task, in addition to the assumptions embedded in those processes such as problem analysis, research and issue identification. Such "double loop" learning encourages constant critical reflection on process and challenges students to frequently rethink the basis of their actions and decisions. Experience also suggests that students tend to be more open and honest about their learning when writing reflective narratives about their experiences. This paper explores these issues and discusses the author's experience of assessing reflective learning narratives completed by undergraduate and postgraduate law students following their experience with PBL exercises.

David Plater (online) – Helping Change the World? Law Students and Law Reform in South Australia through the South Australian Law Reform Institute

The South Australian Law Reform Institute (SALRI) is an independent law reform body based at the Adelaide Law School under a partnership between the South Australian Government, the University of Adelaide and the South Australian Law Society. SALRI draws on the Alberta and Tasmanian models, but is seemingly unique in its formal link to a Law Reform class. Students learn about the law reform process and context and select a research topic aligned to SALRI's current, forthcoming or potential future references. This presentation examines the student role in SALRI's work. Students have made a valuable contribution in various ways to SALRI's significant output and impact in such diverse areas as discrimination, provocation and the outdated 'gay panic' defence, necessity, duress, self-defence, surrogacy, abortion, the common law forfeiture rule, powers of attorney, succession law, witness competence and intermediaries to help vulnerable witnesses. The student contribution has proved notable, not only to inform and assist SALRI's work, but going further. Students see their work indirectly or directly translate into major reforms to the law. The capacity of law students to contribute to major change should not be underestimated. Students in law reform (and indeed other areas) can literally help change the world.

Narelle Bedford, Alice Taylor and Wendy Bonython (hybrid) – Climbing down from the ivory tower? Law reform participation as authentic assessment

Legal education is ever-changing. Authenticity has become a central aim in the remote and flexible teaching environment all law schools find themselves in. Authenticity has been shown to have a positive impact on student engagement, which matters in the current challenging teaching environment. Authentic assessment refers to real-world tasks which demonstrate meaningful application of essential legal knowledge and skills. The presenters of this paper, as experienced contributors to law reform, both as academics and former public servants, use law reform submissions as both a teaching resource and an assessment tool. In this context, law reform – broadly defined as including Australian Law Reform Commission, parliamentary committees, departmental round tables and other fora – will be presented as providing an authentic assessment opportunity which appeals to students who are motivated by real-world experiential learning and social justice. These activities also provide students with a more nuanced understanding of the interactions between policy and legislative processes, and the use of legal methodologies including law and social sciences, law and economics, comparative law, and international law.

SESSION 2A – RAISING THE BAR – DEVELOPING CORE COMPETENCIES IN INTERDISCIPLINARY LEGAL EDUCATION (HYBRID)

Presented by Doris Bozin, Allison Ballard, Vicki De Prazer and Jenny Weekes

The legal profession is countering increasing complexity and professional challenges through a range of interdisciplinary responses (Legg 2017; Moses 2018) including the development of health-justice partnerships. The University of Canberra's health-justice clinic is a collaboration between health and legal professionals, legal academics, and law and justice interns who work together in a student-led clinic to resolve client problems holistically.

Australia's legal curriculum currently focuses on teaching doctrinal or discipline-specific content (Hyams 2012). This approach fails to encourage law students to 'think outside the box' or to collaborate with professionals from other disciplines to address clients' often complex concerns.

Despite a doctrinally focused legal education, law graduates are somehow expected to acquire the skills required to collaborate effectively across disciplines and to develop innovative and strategic solutions (Kift, Israel, Field 2010). Finding room to develop the requisite interdisciplinary skills in an already overcrowded curriculum is problematic (Peden, Riley 2004; Wawrose 2014; Legg 2017) and requires something other than simply adding more content – it demands new ways of learning (Moses 2018).

What can we learn from other disciplines? Different health professions, specifically in the United States, collaborate across professions to provide high quality, patient-centric care. Student health professionals develop interdisciplinary core competencies through interdisciplinary education and approaches to patient centre care (IPEC 2016).

How might law academics build upon this approach to develop law-specific interdisciplinary core competencies to develop interdisciplinary teaching methods, curriculum, and pedagogies?

One approach would be to employ the four core principles framework used by the key stakeholders in health to develop student teaching and learning. By educating law students to think outside of extant (legal) frameworks to address client problems; to understand the importance of 'self'; to foster a clear understanding of the role and responsibilities of lawyers working in interdisciplinary environments; and to promote a better understanding of the potential ethical and professional issues arising in interdisciplinary contexts, we can better equip our future lawyers. Considering this, at the clinic we adopted teaching strategies aimed at developing an interdisciplinary mindset through focused seminars and discussions, collaborations, role plays and other learning activities (Klein 1999; 2006).

SESSION 2B – INNOVATIONS IN ASSESSMENT (chaired by Kate Offer)

Liam Elphick and Paul Burgess – Changing the Way That we Teach: The Benefits of Adding Legal Essay Writing Workshops to the Law School Curriculum

Legal essay writing is a skill that must be mastered to succeed in a law degree. Students often struggle with this skill. And legal educators frequently bemoan students' lack of ability to write legal essays. Yet, many law schools do not provide formal instruction on how to write legal essays – even though students are often provided with formal instruction on legal research and other skills. There is little formal evidence of the potential student improvement that may follow the addition of formal instruction and there is little indication of the relative time that must be spent to achieve any improvement. We provided a large cohort of undergraduate law students in two first-year law units with the option of attending workshops that provided formal instruction on legal essay writing. To assess student improvement, the students' essay writing performance in these two units was then compared with their essay writing performance in a unit conducted prior to the essay writing workshops. The results of the assessment, and feedback provided by students, illustrate both the potential improvement that can be gained from such a programme as well as the relative time/effort that is necessary to achieve those gains.

Stephanie Falconer and Emma Henderson – [R]evolutionary assessments: Practical legal skills assessment by video

The form of instruction in higher education was in transformation even before the COVID-19 pandemic forced educators to embrace the online learning environment. This is particularly true for legal education, which had largely resisted remote learning for a variety of reasons. The challenges presented by the pandemic have enabled law teachers to embrace creativity in assessment and create learning opportunities that use technology. One such example is that of the video assessment. While few subjects before the pandemic – often electives –used video assessments, it was uncommon to find core law subjects which used such assessment techniques, particularly when assessing practical legal skills.

The subject "Evidence and Criminal Procedure" at La Trobe University offers a useful case study because the impact of the pandemic required a rethink of the traditional moot assessment that had been the hallmark of the subject for years. The resource cost, and organisational challenges posed by the pandemic meant that the moot was no longer a viable assessment option, so the teaching team devised an alternative: a video bail application. This paper will examine the merits of video assessments, the considerations needed to convert a moot to a video assessment, as well as the lessons learned. The overarching goal will be to determine if the video assessment is here to stay, and how it can be used as an effective legal education tool.

Bree Williams – What is the purpose of legal writing education? An exploratory study

This presentation will report on a small exploratory study of Australian legal academics' legal writing education approaches. When asked about their preferred legal writing education approaches in this thesis research, academics offered a range of ideas about the purpose of that education. The themes of the purpose for legal writing education will be explored in this presentation including social justice, academic success, professionalism, critical thinking, remedial writing skills as well as, humanised approaches like cultural competence, diversity of voice and wellbeing.

The desired purposes were often balanced with teaching constraints or other learning outcomes that had to be prioritised, due to broader institutional or curriculum design, under the current regulatory framework. Each of these main themes will be discussed in this presentation in light of the current regulatory framework, to ask if a systematic approach to legal writing education design might enhance the desired teaching approaches that are balanced by academics.

Aidan Ricciardo and Julie Falck – Letting them Learn how to be Law Students: Student Perceptions of 'Ungraded Pass/Fail' Assessment in the Foundational Subject of a Qualifying Law Degree

The significant body of literature devoted to the first-year law school experience points to the importance of an intentional and holistic approach to engage learners, facilitate support, and create a sense of belonging by fostering involvement, engagement and connectedness. In an effort to achieve these objectives, the assessment method in the foundational unit of the UWA Juris Doctor degree was changed to 'ungraded pass/fail' (UP/F) for the first time in 2021. Although students are given a numerical mark and feedback for each task, their grade ultimately shows as either 'ungraded pass' or 'fail' on their transcript.

To understand how students perceived and experienced the UP/F aspect of the unit, we obtained ethics approval to deploy a voluntary and anonymous survey in 2021 (n=129) and 2022 (n=101). This paper reports and reflects on that data.

Some of the key findings include that the vast majority of respondents thought being assessed UP/F was fair and that it 'levelled the playing field' (especially as some students commencing the Juris Doctor hold law-related undergraduate qualifications). Most respondents also indicated that being assessed UP/F created a friendly atmosphere and that they liked knowing the mark they would have received for each task.

SESSION 2C – EXPLORING STUDENT EXPERIENCES (chaired by Julian Webb)

Upeka Perera and Darryl Coulthard – Change, Stress and Law Students

It is well established that law students experience greater psychological distress than nearly all other student groups and there appears to be no clear explanation. This appears stable internationally, despite the changing nature of the university, differences in teaching practices and student access and expectations. A key question becomes one of identifying commonalities of the student experience internationally. This experience may also take on new characteristics as a result of online study during the Covid-19 pandemic. This paper analyses the literature of change and identifies and examines the potential influences of distress for law students, in order to provide a theoretical model for further empirical study. Following empirical testing, this can lead to ways of changing the student experience and reducing or managing stress for law students.

Ursula Cheer, Lynne Taylor (online) – What happens after graduation? New Zealand law graduates' workplace experiences

A government directed action for New Zealand tertiary education providers is to ensure that teaching and learning meets learner, employer and industry needs, and delivers skills relevant to the workplace. There is little empirical evidence as to how New Zealand law schools are performing against this directive. This paper seeks to fill the gap. Using a learner lens, and the self-reported experiences of 100 recent law graduates, we report law graduates' workplace experiences. Data presented includes graduates' employment rates and destinations, the extent to which they used their law degree in their work, their future plans, their reflections on their work experience (including job fulfilment, stress and work-life balance), their assessment of the skills and attributes they gained at law school, and their reflections as to what law schools could have done to better prepare them for the workforce. The data presented was collected in the final two years of a ground-breaking longitudinal study that followed a cohort of law students and law graduates from four of the six New Zealand law schools over a six-year period.

Sagi Peari (online) – Learning Strategies Applicable to International Students

International students play a central role in the Australian academia. With the recent relaxation of COVID-19 related restrictions, the role and presence of international students will only grow. However, at times, things could be challenging. The international students come from diverse cultural backgrounds, follow a different way of thinking, have different perceptions, and are already used to different educational requirements and expectations. Further, some students do not have adequate knowledge of English. At the same time, international students are wonderful contributors to the classroom experience by sharing the richness of their cultural backgrounds, diversity of ideas and exposure to different ways of thinking. Clearly, the learning strategies applicable to international students should be different, or at least these should be qualified. The paper tackles the various learning strategies applicable to international students, explores the relevant literature in the field and makes concrete recommendations for the smooth accommodation of international students in the Australian academia.

Francesca Bartlett, Francina Cantatore, Rachael Field and Mandy Shircore (hybrid) – Pro bono models in law schools and the student experience: Challenges and opportunities moving forward

The COVID-19 pandemic has challenged existing pro bono and clinical legal education (CLE) models in law schools on two important fronts: the need to have flexible structures in place to provide the community with ongoing legal services in the event of occurrences such as a global pandemic and how to optimise the student learning experience under these types of conditions. These challenges have highlighted the importance of maintaining strong, ongoing partnerships with industry and community legal organisations as well as resilience in law school initiatives. Law schools typically rely on partnership arrangements for clinical legal education (CLE) and pro bono initiatives. However, an awareness of the impact of external circumstances such as a pandemic or natural disasters on partner organisations is important to successfully adapt student programs in these conditions and assist these organisations to continue to provide access to justice services, whilst maintaining an optimal student experience. In this regard, universities should not only be responsive to industry partners' changed conditions but also prepare for such eventualities themselves and be flexible in creating new opportunities to enhance the student learning experience. This paper deals with some of the challenges faced by two university pro bono and CLE programs during the COVID-19 pandemic and how they were addressed. It also considers how CLE and pro bono initiatives in law schools can benefit from these measures in the future.

SESSION 2D – PERSPECTIVES ON COMMERCIAL LAW (chaired by Steve Kourabas)

Robin Woellner (online) – Sharpening the boundaries of Legal Professional Privilege – Evolution or Revolution?

The doctrine of legal professional privilege ("LPP") has long been a fundamental principle of the common law, promoting the public interest and the administration of justice by protecting the confidentiality of certain communications between lawyer and client.

However, there is an inherent tension between the secrecy imposed by LPP and the views of regulators such as the Australian Taxation Office ("ATO"), which takes the understandable approach that it needs access to all relevant information to enable it to deal appropriately with taxpayers.

In recent times, the ATO has been particularly concerned by what it sees as dubious claims for LPP which it believes are intended to improperly block the ATO's access to key information. As a result, the ATO has become more aggressive in challenging such claims, and a number of recent cases have sharpened (if not extended) the boundaries of LPP.

Into this mix the ATO has thrown a very detailed *"Draft LPP Protocol"*, which it suggests potential LPP claimants should follow, but which has been criticised by professional bodies. The result is a fascinating "state of play" – particularly if – as seems inevitable – the decision in *PWC* goes on appeal.

Trish Keeper (online) – Social media financial influencers and the new class of 'do it yourself' investors: risks and opportunities

The concurrent rapid increase in the number of first-time, do it yourself investors in financial products, often through the mechanisms of online platforms, such as Sharesies and Hatch, and the increasing presence of financial influencers ('finfluencers') in the social media space is creating challenges for financial markets regulators on both sides of the Tasman. Recently, both ASIC in Australia and the FMA in New Zealand published advice to social media influencers and bloggers about ensuring they comply with the rules applying to the provision of regulated financial advice. However, regulators also need to consider why advice from finfluencers are an accessible and attractive source of financial information to such investors and use these developments as an opportunity to connect online with a new class of investors.

This article outlines the rise of new investors using online platforms and finfluencers and the risks faced by both groups, whether investing online or providing advice or commentary on financial products or financial services. It then discusses how regulators should see these developments as an opportunity to engage with this new class of investing public.

Jonathan Barrett – Philanthropy as a Substitute for Taxation: from the Athenian Liturgies to the Chinese Third Distribution

In response to soaring inequality, the Chinese government has announced that its ambitious plans for Common Prosperity will be achieved through three distributions. The first distribution is the market allocation of wages, salaries and other rewards. The second distribution is taxation-welfare. The third distribution is philanthropy, whereby the wealthy are expected to make a significant contribution to improving the circumstances of those less well-off. Despite Chinese technocrats recognising that donations in Western countries are commonly driven or at least encouraged by tax concessions, there appears to be no intention of introducing capital transfer or wealth taxes.

The ancient Athenian liturgies present some precedent for the wealthy meeting the needs of the political community outside the formal tax system. In terms of the liturgies, the democratic Assembly nominated the wealthiest citizens to fund civic projects, such as presenting festivals and equipping triremes (warships). The liturgies can be seen as a form of directed philanthropy, although they were not, as is sometimes claimed, voluntary.

Drawing on the liturgies and Western experience of philanthropy, this paper argues that, while philanthropy may constitute a useful supplement, it cannot and should not substitute taxation.

This paper backgrounds a survey we propose to undertake later this year, examining law schools' current and future responses to the digital transformation of law and legal services. We offer a framing of the curriculum question that, as a starting point, calls for a deep and broad conceptual understanding and categorisation of the main impacts and affordances of digital technology on the legal ecosystem. We then seek to summarise how such understanding might be reflected across the core domains of legal knowledge, professional skills, and values, and argue that digital transformation also has fundamental and perhaps insufficiently considered consequences not just for the courts and legal industry, but for the nature and form of law itself. We conclude by offering some preliminary thoughts on, and an invitation to further discussion of, the ways in which this range of transformations might be better reflected in the law curriculum.

Benjamin T Kujinga (online) – Lifting the corporate veil in tax evasion cases as a way of curbing tax evasion by companies

Tax evasion is criminal conduct where tax that is due is reduced or eliminated, and therefore not paid, by the illegal or fraudulent actions of a taxpayer. In tax evasion, a taxpayer acts fraudulently by either ignoring the duty to pay taxes or by taking fraudulent steps to reduce tax liability. Tax evasion is patently criminal in nature and attracts hefty penalties which are based on a percentage of the taxes due. Tax evasion can also potentially attract a sanction of imprisonment for the perpetrator. It is detrimental to the fiscus and leads to massive revenue losses if allowed to continue unabated.

When tax evasion is perpetrated by a company, questions arise regarding the liability for the penalties that may be imposed. A company is a separate legal entity from its shareholders and directors. However, a company does not have a mind of its own and, as such, cannot commit a crime. When a crime is committed by a company, the human mind(s) behind the criminal act are exposed when the so called corporate veil is lifted. Thus, lifting the corporate veil in tax evasion cases exposes the directors behind the tax evasion. Further questions arise thereafter, such as:

1. Who is liable for the exorbitant penalties for the conduct, the director(s) or the company?
2. If the directors are liable, can this spectre of liability for tax evasion penalties after the lifting of the corporate veil be an effective weapon against tax evasion?

This paper will discuss these questions by reference to the Australian and South African corporate law and tax law and show the value of a multidisciplinary approach involving these two subjects in curbing tax evasion, which is one of the scourges of tax systems worldwide.

SESSION 3A – LEADING THE EVOLUTION OF TEACHING, LEARNING AND ASSESSMENT IN THE LEGAL EDUCATION SECTOR

Presented by Judith Marychurch, Kelley Burton, Julian Laurens, Francesca Bartlett, Maxine Evers and Nicole Graham

The Legal Education Associate Deans network offers a collegial network for Associate Deans (Teaching and Learning) (or equivalent) in Australian Law Schools. In this paper, an autoethnographic research methodology is used to reflect on how the peer-led structure of LEAD has supported the legal education sector in response to the contemporary tertiary education landscape. The experiences of learning and teaching in 2020 and 2021 highlighted the shift to an online mode of delivery, which has accelerated the challenges for law schools in balancing the needs of a professionally accredited degree with the expectations of a fickle student demographic in a context where tertiary institutions are under significant financial and resource constraints. New challenges are emerging as we move to a COVID-normal landscape, and institutions re-think how they teach and assess in light of experiences in 2020 and 2021. While some measures, such as online exams, were assumed to be temporary as a response to COVID-19, some institutions are considering a continuation of their new online delivery mode, and not returning to resource intensive practices like invigilated exams. This paper will examine possible implications of some of these issues, and the role LEAD can play as a collaborative, supportive professional network.

SESSION 3B – MOOTING AND THE LAW SCHOOL

Presented by Drossos Stamboulakis, Lisa Spagnolo and David Tan

Moots are ubiquitous in legal education. They are theorised to contribute to practical legal skills development, and most law students can access a mooting program or competition of some description over the course of their studies. However, the use of mooting programs varies significantly across Australian law schools. Mooting may be deeply embedded, offered as a compulsory part of the law program, with moots tied to assessment or progression in first year units. Moots might alternatively be employed as an 'optional extra' at the unit coordinator's instigation and tied into assessment regimes in certain units (often electives). In some cases, entire units can be arranged around academic-supported student participation in one or more competitive moots. Students may also be able to access 'co-curricular' moots, by voluntarily participating in competitions arranged by industry, academic and studies bodies around Australia and internationally.

This Panel, composed of law academics with expertise in running mooting programs, explores the Conference theme with respect to mooting. We consider issues such as:

- How the type and variety of moots undertaken has shifted, particularly due to increasing options for hybrid or online-only moots;
- How to successfully integrate moots into a course or program;
- How mooting performance can be assessed accurately, with appropriate weight given to education and skills development rather than competitive aspects;
- The benefits and challenges of linking competitive moots into academic frameworks;
- How feedback on moot performance can be effectively given, particularly in small group environments; and
- How academics can be supported in moot delivery.

Many of these issues take on increased prominence in a cost-controlled tertiary sector post pandemic. The reflections of the Panel will be useful for those with an interest in experiential learning, particularly in exploring how moots can significantly contribute to legal pedagogy and skills development.

SESSION 3C – SOUTH PACIFIC LEGAL STUDIES INTEREST GROUP (chaired by Jonathan Barrett)

Unaisi Narawa-Daurewa (online) – The Lonely Learner: Teaching Law in the Pacific

Teaching law in the Pacific has always been challenging considering that the students come from a multitude of countries, a diverse range of backgrounds and cultures and enter University with English not being their mother tongue. Despite these challenges, distance and flexible learning has allowed students to participate and engage in legal studies with classrooms being modified to accommodate online learning and both student and teacher have had to adapt. This paper uses the author's own background and experience in teaching an online law course at the University of the South Pacific and explores how traditional forms of learning can transform online learning. It also considers the various tools utilised to engage students to prevent student isolation and the 'lonely learner'.

Bridget Fa'amatuainu (online) – Critical reflections on Pacific decolonial pedagogies in law teaching: Aotearoa and Samoa

While there is extensive research on the need to include Pacific decolonial pedagogies in tertiary education, this is rarely reflected in law teaching pedagogies in Aotearoa (Leenen-Young et al., 2021). In this paper, I explore the key challenges and successes of Pacific decolonial pedagogies in legal pedagogy as uniquely informed by my experience of teaching Law at a University in Aotearoa and the Pacific (Fa'amatuainu 2022). This paper argues for the use of a more holistic approach to legal education and recognition of Pacific epistemologies in the teaching and instruction of law, as evidenced in the literature. I also note the prevailing tensions in attempts to make this pedagogical shift in what constitutes 'academic knowledge' in the University and the three reform spaces (soft reform, radical reform and beyond reform) (Andreaotti et al., 2015) where decolonising legal education may be enacted. This further contributes to: (1) the dearth of legal scholarship written by Pacific legal academics living in Aotearoa about legal issues facing Pacific people; (2) the ongoing process of decolonisation in indigenous legal education; and (3) to innovative pedagogical approaches to law teaching.

Beatrice Tabangcora – Looking Backward, Looking Forward: Reflections on Legal Education at The University of the South Pacific

The Discipline of Law (formerly known as the School of Law) at the University of the South Pacific (USP) was founded in 1994 in response to the demand for legal professionals who were educated in Pacific law, legal systems and issues. The Discipline of Law has produced hundreds of Pacific legal graduates and professionals since its inception over twenty-eight years ago. Drawing on existing literature and the author's personal experiences, this paper reflects on the development of the USP Law Programme, discusses and analyses its current features and modern challenges faced by the programme and examines the impact on the future of legal education in the Pacific region.

Jennifer Corrin – Legal Scholarship in Oceania

In small Pacific islands, jurisprudence and legal scholarship are in their infancy. Development of an autochthonous jurisprudence has been hindered by factors including the dominance of the common (and occasionally civil) law and deference to overseas models of law and legal systems. Similarly, legal scholarship has tended to evolve through a common law lens. This paper explores some of the exceptions to this paradigm, where courts or scholars have departed from this pattern in favour of a more endemic approach.

SESSION 3D – TEACHING OPPORTUNITIES AND CHALLENGES (chaired by Stephanie Falconer)

Meika Atkins, Stephanie Bruce, Christina Do, Hugh Finn, Andrew Brennan, Janie Brown – Developing The Evaluative Judgment Of Law Students Through Assessment Rubrics

Evaluation involves the attribution of 'value' to a subject matter, often with reference to criteria and standards. The value attributed may be a qualitative property or quality, or a quantitative amount or allocation. In legal education, the ability to 'evaluate' underpins student achievement of LLB/JD Threshold Learning Outcomes 3 - Thinking Skills and 6 - Self-management. Conceptually, a student's ability to judge the quality of their own work is the same as their ability to attribute a value to a subject matter in legal problem-solving (ie evaluative reasoning). Thus, assessment practices that develop a student's skill in determining the quality of their own work, with reference to criteria and standards, will also develop the critical thinking skills used in evaluative reasoning. We describe how analytic assessment rubrics with descriptive criteria, coupled with other pedagogical supports aligned with rubrics (eg instruction on the evaluative logic for rubrics, assessment exemplars referenced to rubric criteria, self-reflection and peer review activities using rubrics, and feedback referenced to rubrics), allow law students to develop their evaluative judgement and provide a conceptual model for evaluative reasoning.

Ursula Cheer, Lynne Taylor (online) – Looking Back and Looking Forward: Challenging Legal Education by Interrogating the Law Learning Experience Before and After Graduation

This paper presents the findings of the final collection of data in a ground-breaking longitudinal study of a self-selected 2014 cohort of law students at four New Zealand universities. By 2019, the majority of study participants had completed their law degree and had entered the workforce or were engaged in other endeavours. Thus we were able to test the law learning experience at both pre-graduate and early career stages. In their final year, a majority of students continued to have the goal of a legal career, in particular in private practice, and in domestic, commercial law subjects. However, a significant proportion reported a degree of isolation in their studies. The most frequent comment on law school culture was the division of the student body into cliques. A significant proportion suggested that law schools could improve the student experience by improving the quality of student/student and staff/student interaction. A substantial number of participants still at university reported low levels of likely psychological wellbeing when compared to the general Aotearoa/New Zealand population. These reported levels of likely psychological wellbeing are consistent with those reported by Australian law students and the general population of undergraduate students. Conversely, data collected post-graduation disclosed a significant improvement in reported levels of likely psychological wellbeing. It also confirmed the practical utility of completing a law degree. It is clear that there is room to improve the student experience. We recommend that law schools evolve their teaching based on similar interrogation of the learning experiences of their own student cohort. Ultimately we recommend that law schools support the adoption of nationally evolved LLB outcomes intended to promote institutional practices that positively influence law student engagement, law school culture and law student wellbeing.

Sarah Moulds – Belonging in the Law Classroom: Rising to the Challenge of Creating a Place where every new law student belongs

Law students face many challenges when it comes to engaging positively with their studies. They may live in regional or remote locations, have caring responsibilities, live with a disability, or come from a disadvantaged socio-economic background. Even students with strong external support systems can struggle to adapt to the demanding learning environment associated with completing a professionally-accredited law degree. The *Belonging in the Law Classroom Project* aims to improve the experience and retention of first-year Law students at UniSA by better understanding and fostering their sense of belonging in the online or physical classroom. Working with law discipline staff and students, this Project will identify existing classroom-based supports and develop new strategies for fostering belonging in the classroom across the compulsory first-year courses within the Law Program. Practical frameworks, exemplars and resources will be compiled to provide First Year Law teachers with building blocks that they can utilise to foster student belonging in their classroom. By focusing on student belonging *in the classroom*, this Project will provide a fresh perspective for teaching staff in Law from which to understand student retention and engagement and create space for programmatic approaches to curriculum review and assessment.

Louise Parsons (online) – Oral Advocacy on Virtual Platforms: Zoom and Doom?

One of the many disappointments of the Covid-19 pandemic was that students from all over the world could no longer descend on a destination like Vienna or The Hague to battle it out in moot court. Rather, moot court combat occurred online, and sometimes even from dorm rooms and bedrooms. Similarly, practical assessments at university, such as client interviews and negotiations, were also conducted online, rather than face-to-face. Online advocacy has out of necessity undergone a revolution in the past two years, but it could also be argued that these recent events are the beginning of an evolution in the practice of oral advocacy. Some may feel that the online experience is 'second best' and a temporary measure; others may consider the online experience as equivalent, and a permanent part of lawyering in the future. There are important questions that need to be answered from the perspective of legal educators. Are different skills needed? If so, what are those skills and how do we teach them? Are the pedagogical benefit of online advocacy equivalent to face-to-face advocacy? This paper addresses these questions, and also whether oral advocacy on a virtual platform is a case of 'zoom and doom'.

SATURDAY 9 JULY

SESSION 4A – TEACHING AND SUPERVISING LEGAL RESEARCH AND HDR (chaired by Tamara Wilkinson)

Chris Dent – The Honours Thesis in Changing Times

The Honours thesis is a traditional way of assessing student skills at the end of their undergraduate degree. It is not the only way of awarding Honours in law, but it persists in a number of law schools around the country. There is value in examining the place of the thesis in the development of students' careers. Considering the thesis more broadly than law, there is a tension between its production as a preparation for a career, and as a precursor for postgraduate study. This division itself as particular meaning for law. With respect to the former, a career as a lawyer suggests that a doctrinal thesis be undertaken. An increasing number of graduates are not entering the profession, which supports the idea of socio-legal research – in preparation for a career that is likely to focus on the impact of law on an aspect of the community. The changes in the profession also may mean that there will be an increasing number of students who want to do postgraduate research. This, in turn, may impact on the skills that are focused on during Honours. This is not a paper that has the answers. Its goal is to start a conversation.

Vai Io Lo (online) – Confucian Pedagogy and HDR Supervision

Numerous studies have been conducted on the theory and practice of Higher Degree Research (HDR) supervision. What approach or methodology, as well as what practical strategies, should be adopted to cultivate research and scholarship skills in HDR students constitute the bulk of existing literature. Confucius, who instructed thousands of students over 2,000 years ago, is venerated as a model teacher for centuries. This paper, therefore, aims at ascertaining the salient features of Confucian pedagogy and examining their possible application in HDR supervision.

Samantha Kontra (online) – The Evolution of Legal Research Teaching: Embracing both External and Internal Challenges

Legal research skills are fundamental to legal education, and must be scaffolded throughout the degree. I have taught legal research skills for over ten years, and have coordinated a first year, first semester topic that includes legal research for the past six years.

Various internal and external forces have impacted my ability to teach legal research skills to first year students. An internal restructure replaced a subject-specific Law Liaison Librarian with a cross-disciplinary team of librarians, which meant the loss of knowledge and teaching expertise in this field. Subsequently, a curriculum restructure reduced the amount of in-class teaching, reducing students' hands-on experience and resulting in a significant redesign of the topic. Finally, Covid resulted in a move to online and hybrid teaching, which caused legal research classes to become disjointed and poorly attended.

Despite these challenges, key learnings from each method of legal research teaching have helped my approach to evolve. During this presentation I will explore these points, including: the involvement of (law) librarians in planning and teaching; the necessity of hands-on instruction; the separation of (and different teaching methodologies for) in person and online classes; and the use of formative and summative tasks to increase understanding and engagement.

Jade Lindley, Natalie Skead and Natalie Brown – Optimising Law PhD and SJD Supervision

The upward trend in PhD enrolments led us to consider how we can best support the next generation of law academics. Compared to other disciplines higher degree by research students in law work largely independently with three or fewer supervisors. As a result, the role of the supervisor and the student/supervisor relationship and is integral to the students' success. This research builds on a project from 2018, which identified that the quality of the student/supervisor relationship is critical to the law students' successful thesis submission. This research project determines the key features of effective supervision of higher degree by research students by collating and analysing qualitative perceptions data from current and recently completed students, and current and recently retired supervisors from the UWA Law School. This presentation will provide an overview of perceptions data findings and analyses aimed at developing and strengthening student/supervisor roles and relationships to deliver an improved higher degree by research program, benefiting the students, the supervisors, and the Law School.

SESSION 4B – AI AND EMERGING TECHNOLOGIES (chaired by Liam Elphick)

Chris Marsden (online) – Artificial Intelligence co-regulation: a legal technology history

Artificial Intelligence is the use of advanced forms of machine learning, including neural networks. It has been in existence as a concept since Turing and von Neumann explained the techniques of data processing. When we talk to policymakers about AI regulation we face a very similar problem as with cyberlaw and network neutrality. It is undefined, as revealed in the inadequate European Union AI Act in draft. Legal technology history requires this primer on the good/bad lessons of cyberlaw & network neutrality history versus AI unregulation. There is a contemporary comparison for AI regulation via ethics with disinformation and electronic privacy policy, all largely unenforced and left to ethical codes of conduct. Some differences exist, but cyberlaw and broadband policy provide good comparisons with AI policy, because all are broadly general purpose technologies that must eventually be regulated. I argue in conclusion that effective enforcement will require co-regulation.

Paul Burgess – Rule of Law Revolutions: AI's Exercise of Constitutional Power

The exercise of state power by non-human agents (algorithms) will require a revolution in our conception of the Rule of Law. By drawing a parallel between the fear-based origins of the Rule of Law and the fears regarding the use of Artificial intelligence ('AI'), I consider how AI's exercise of constitutional power may shape future conceptions of the Rule of Law.

Most popular Rule of Law conceptions were shaped by the conceptions' authors' fears of a state of affairs within their societies. Accordingly, it is no exaggeration to say that the Rule of Law – as it is seen today – is a product of fear. Science fiction invariably portrays AI in a dystopian sense and generates fears of AI's application sufficient to impact future conceptions of the Rule of Law. In these contexts, I argue the impact of fear on the Rule of Law will continue as AI's application expands toward constitutional power. I make my argument in this way: if contemporary ideas of the Rule of Law are shaped by fear, and if fear exists in relation to AI's exercise of constitutional power, fears associated with AI's exercise of power may shape future conceptions of the Rule of Law.

Interdisciplinary law subjects are an integral part of most degree programs. The approaches that have been taken towards teaching these subjects vary significantly based on a number of factors, including the discipline, level of study and nature of the skills intended to be developed, to name a few. When a given interdisciplinary law subject is expected to cater for students from multiple degree programs, this adds another dimension to the design of teaching and learning. In such a context, teaching and learning activities, materials, and assessments must be general enough to be understood by all while ensuring relevance to all programs. This paper aims to discuss the different approaches that have been developed to design and deliver introductory interdisciplinary business law subjects intended for students from multiple degree programs, together with the challenges experienced in existing approaches. It is argued that to maximise our potential as places of excellent learning, teaching and scholarship, attention must be directed to clear identification of the aim of inclusion of interdisciplinary law subjects in different programs, and an interdisciplinary approach must be adopted for teaching interdisciplinary subjects.

Ibnu Sitompul (online) – The Challenge of Information and Technology on Legal Education

In recent years, information and technology have emerged as one of the main challenges in legal education. In fact, its rapid development has the potential to be destructive to the legal sectors. It has a direct impact on legal professionals around the world. People are becoming less likely to use the services of a legal professionals e.g., lawyers and notaries, as legal their needs become more easily accessible online. Despite the risk, most people, prefer to search for and do everything themselves in order to avoid paying high legal fees. People can use various online media to find answers to their legal questions, and legal information is widely available with a single click. As a result, compared to twenty years ago, first-year law students today may have a better sense of what they might learn. This situation has serious implications for the future of legal education. The existence of law schools is under threat as more people believe they can obtain free legal education on the internet. As a result, law schools must adapt by implementing more effective teaching methods. This would entail incorporating technology into law teaching, which would necessitate law teachers being technologically savvy.

Caroline Hart and Aaron Timoshanko (online) – Revolutionsing the Law Curricula? Legal Educations' Imperative to Meet Impacts of Emerging Technologies Through Leadership and Engagement

This conference paper investigates legal education's capability to meet the skills gap created by emerging technologies being used to deliver legal services. The need for such skills has significantly evolved in the last decade and will continue to do so. Whilst academics have been debating the extent of the impact of technology on the legal profession – whether accurate or over-dramatised – the employment marketplace is already responding by offering new jobs with new titles and requiring new skill sets. Such employment opportunities are likely to go to those graduates who are best prepared.

Through a literature review, this paper asserts that legal educators should consider revolutionising their curriculum to equip graduates with the knowledge and skills they need to succeed in the legal profession. We argue that law schools cannot and should not wait for externally driven reviews or reforms but can make the reforms within the current regulatory framework. Law schools need to demonstrate leadership through what is within their control by investigating and adapting their curricula to ensure their graduates can compete in a changing, evolving marketplace that is demanding new skills.

SESSION 4C – ENGAGING LEGAL PEDAGOGY (chaired by Sara Kowal)

Bill Swannie – Is Intensive 'Block Model' Delivery the Future of Legal Education in Australia?

More Australian universities, and their law schools, are adopting intensive delivery as their standard mode for undergraduate degrees. This presentation examines the advantages and disadvantages of intensive modes of delivery (IMDs) in the context of legal education. Specifically, it examines the implementation of an IMD at a new law school with a diverse student cohort.

Based on the author's experience in teaching exclusively in intensive mode over the last three years, the following advantages have been identified. First, small, regular classes facilitate group work and greater collaboration between students and teachers. Second, focusing on one unit at a time enables students to explore areas of law in more detail and critically examine legal principles and concepts.

However, the following disadvantages of teaching law in IMD have been identified. First, students may not have time to prepare for class, so active and engaged teaching approaches are not fruitful. Second, students with family and work commitments may struggle to attend in-person classes and therefore are at risk of not succeeding in their studies. Finally, content-heavy units are not well-suited to IMD. In summary, law schools should exercise caution in adopting IMDs, and ensure that it suits the needs of their student cohort and all requirements for external accreditation.

Caroline Daniell (online) – Developing a Holistic Legal Pedagogy

Legal education has traditionally trained students to 'think like a lawyer.' And, while this is surely a necessary prerequisite to effective legal practice, I will argue that it is also an insufficient one. Legal pedagogy's emphasis on thinking like a lawyer reflects a wider problematic neglect of the embodied dimensions of legal education and practice. The problematic aspect of this neglect is evident in the rampant issues of (un)well-being in the legal profession, issues that have only become more acute in the current moment of increased isolation and online work. Importantly, these issues are deeply tied not only to personal matters (such as happiness and fulfillment) but to professional performance as well – the stressed lawyer is, *de facto*, the less competent lawyer.

And while this current moment has exacerbated some of the legal profession's well-being challenges, it has also provided us with more capacity for innovation in teaching and learning. This capacity, in turn, presents us with an opportunity to address the limits posed by our historically analytically-dominated model of legal education. I will argue that we should therefore use this moment to help implement a more holistic pedagogy that addresses not only information acquisition but also skills that help support our students as multi-faceted beings. Such a training would emphasize the development of abilities such as self-awareness, deep listening, and cultivating compassion and equanimity. This could take the form of offering students trainings in mindfulness and reflective practices alongside their 'black letter law' classes and developing more diverse networks of mentorship and support. For, while it is true that we must train students to think like lawyers, the current moment demands us to investigate how we can deliver more—how we can learn to support the whole person that is before us in order to prepare them to be healthy, competent, and effective lawyers.

Carlo Soliman, Michael De Martinis – Teaching and learning in Law: Beyond traditional pedagogical models in the post pandemic world

The foundation for the training of legal practitioners has focused on the inherent need to equip graduates with legal knowledge leaving the development of practical skills to work placements or Practical Legal Training (PLT). This has enlivened the debate between the doctrinal emphasis taken by many law schools and teaching of practical legal skills, the latter often relegated to a small part of individual law units or left to (PLT) which occurs at the conclusion of a law degree. The traditional Socratic method adopted by law schools has drawn some criticism for its focus on teaching theory at the expense of practical skills that can be adapted in the workplace. Furthermore, the advent of the COVID-19 pandemic in 2020 threw into chaos traditional learning paradigms. All universities had to rapidly adjust to online learning which propelled students into an abyss of isolated learning and an uncertain future. This paradigm has done little to develop and refine the essential legal and interpersonal skills needed by law graduates.

The central contention of this paper is that there needs to be a revolution in the way in which law graduates are prepared for their future work lives. The growth in popularity of exclusively online courses and micro credentials now create opportunities for legal educators in terms of how to structure learning to accommodate technology. Ultimately, skills development must transcend simulated activities in contrived environments such as PLT, as their external validity is limited. What is required is a robust approach to curriculum design and implementation that holistically integrates theory and practice such as Experiential Learning Theory (ELT). This means moving beyond the mere addition of a clinical placement in a course to a revolution of the role of the law school in the 21st Century from a disseminator of knowledge to an inclusive experiential environment that utilises modern pedagogies, encompasses remote teaching and flexible learning for the effective preparation of the modern day legal practitioner.

Renato Saeger M Costa (online) – Beyond Zoom Meetings: The Experience of Teaching on YouTube

Challenging and confronting realities generally have long-lasting impacts on individuals and societies at large. There is little doubt that when the coronavirus pandemic hit, all educators from diverse schools and universities in Australia and elsewhere needed to learn how to adjust their pedagogy to a so-called 'new normal'. Not all change is for the worst, however. In this brief paper, I propose there are good consequences arising from the post-covid educational environment. I argue that the expansion of delivery methods and the forced move to the digital-savvy teaching environments has perennial impacts on at least three areas: professional engagement, academic accessibility, and analytical feedback. I assess these consequences by looking at my personal experience as an international early-career academic and the benefits I have gained in participating in events and creating and producing content for an Australian Constitutional Law YouTube channel.

SESSION 4D – GOVERNANCE, REGULATION AND THE LEGAL PROFESSION (chaired by Melissa Castan)

Christopher Umfreville (online) – The Solicitors Qualifying Examination – An Opportunity for Revolution in Legal Education in England and Wales?

For decades, qualification as a solicitor in England and Wales has been underpinned by the concept of the qualifying law degree (QLD). This regulated award was subject to standards including prescribed foundation subjects, which ultimately led to a degree of homogeneity in UK legal education. The introduction of the Solicitors Qualifying Examination (SQE) from September 2021 represents a seismic shift in the status quo. Qualification as a solicitor no longer requires a QLD, instead candidates must pass a two-stage centralised assessment of functioning legal knowledge and skills.

There has been much debate about the SQE, and many questions about its impact remain to be answered. One thing is clear: the revolution in the qualification process represents an unparalleled opportunity for innovation in the structure and delivery of the law degree. This paper will identify how these opportunities have been embraced to create a more connected and integrative undergraduate law degree at Aston University. The paper will focus on the support for students transitioning to higher education through building a learning community that reflects the diverse experiences of our student body and empowering students through the development of key skills, of particular importance given the educational and social impact of Covid-19.

Guy Charlton, Michael Adams – DAO: the most revolutionary approach to corporate governance

Decentralised Autonomous Organisations (DAOs) have become increasingly controversial as their use has spread. This is a potential revolution in the understanding of corporate governance. Currently most DAOs are jurisdiction-less. And DOA related 'miners', 'nodes' and 'curators' do not presently fit into accepted legal categories in most legal systems. Notwithstanding the problem that there is no agreed upon definition of what constitutes a DOA, there is continuing debate over the legal status of such organisation and their relationship to regulatory and legal systems. Some commenters argue that as an autonomous code they are, and should, operate independently of legal systems while others have argued that the necessary relationship between humans and the DOA code as well as the potential for fraud require legal regulation. On July 1, 2021 the Wyoming "Decentralized Autonomous Organizations Act" entered into force. The act establishes a procedure whereby DAO members could avail themselves to the benefits of limited liability entity while enabling the DAO to be recognised as a legal entity as a distinct for form of Limited Liability Company (LLC). This paper argues that while the recognition of DAOs as legal entities is a positive step toward extending legal protections to DAO members and third parties who engage in transactions with DAOs, the nature of LLCs and membership interests as well as the ability of LLC members to opted out of fiduciary and other obligations towards other members creates a false sense of security and legal oversight. Rather the set of minimal obligations for managers, underling governance arrangements for governance tokens and protections for DAO members need to be strengthen to protect DAO members and prevent the use of the organisational form to facilitate the misappropriation of member contributions and fraud.

Sascha Mueller – Deliberative Risk Governance

People in modern societies are growing increasingly risk averse. Awareness for systemic risks, i.e. risks that affect society on a systemic level, grows, These risks are often highly complex and ambiguous. Laypeople must rely on expert advice to understand the risks. Yet, experts often cannot agree about their causes or solutions. This can lead to contradicting expert opinions that muddy the public discourse about the risk. Systemic risks are also outside of individuals' abilities to control. People therefore expect their government to control risks. Risks therefore become politicised and public policy and legislation is increasingly based on popularised public sentiment rather than on expert opinion.

This presentation will investigate a way to mitigate this tendency called "deliberative risk governance". The main issue with current risk governance is the information-deficit the public suffers. Better risk education is necessary for the public to understand causes and potential solutions to risks. In addition, deliberative processes in which all stakeholders exchange their perspectives regarding risks and solutions are required. The purpose of such deliberation is to find a solution that is acceptable to everyone, even if that represents a compromise. Better risk education and deliberative risk governance processes can mitigate the politicisation of risk.

Eu-Jin Teo – 'Under Pressure …'? Section 39 of the Legal Profession Uniform Law and the Federal Commissioner of Taxation

Taxation and legal professional privilege have a long history. (Indeed, it appears that one of the earliest cases to involve a claim of the privilege, *Berd v Lovelace* [1577] Cary 62, arose in a tax context.) Of late, however, the Australian Taxation Office ('the ATO') has been bellicose in its opposition to claims of legal professional privilege. The ATO insists that legal practitioners who, in its view, make unfounded privilege claims, leave themselves open to sanction for breaching their obligation to comply with the Federal Commissioner of Taxation's ('the Commissioner's') coercive information-gathering powers (which, the ATO accepts, are subject to legal professional privilege).

What seems to have not quite received the same attention, though, are some of the prohibitions that might constrain the ATO itself in the exercise of its powers in this regard. Relevantly, s 39 of the *Legal Profession Uniform Law* provides that: 'A person must not cause or induce or attempt to cause or induce a law practice or a legal practitioner associate of a law practice to contravene this Law, the Uniform Rules or other professional obligations.'

This paper discusses the potential relevance of s 39 (and its equivalents in Australian jurisdictions that have not adopted the *Uniform Law*) to the Commissioner and to agents or officers of the Commissioner. Conduct by the executive vis-à-vis s 39 clearly raises broad rule of law concerns, quite apart from the general issue of Crown immunity (the *Legal Profession Uniform Law* does not purport to bind the Crown in any of its capacities). The potential application of the section to the Crown in right of the Commonwealth raises further issues in relation to intergovernmental immunity and s 109. Regrettably, while pursuing the hardly objectionable objective that the legally 'correct' amount of tax be paid, it would appear, on balance, that well-meaning but overzealous ATO officers could potentially expose themselves to criminal culpability if they seek to pressure practitioners in relation to claims of legal professional privilege, contrary to s 39 and its equivalents.

SESSION 5A – EVOLVING LEGAL WORK EXPERIENCE TO IMPROVE HOW IT WORKS (HYBRID)

Presented by Anne Hewitt, Laura Grenfell, Deanna Grant-Smith, Craig Cameron, Stacey Henderson

There is a phenomenon which is challenging legal graduates entering the labour market: the expectation that you should already have extensive practical experience to be eligible for an entry level legal job. One major Australian legal recruitment company, Burgess Paluch, advises graduate lawyers seeking entry into the legal profession to:

[M]ake an effort [to] get some practical experience in the area/s of interest you have. As much as you can. Actually, more than you were thinking – double it and then a bit more. Do it paid or unpaid and do it well. It will pay off, massively. Not doing it will not pay off. Massively. Try to get clerkships especially, and as many as you can.

This candid advice captures the present predicament for law students: they need to secure work to be competitive in the quest to secure work. As a consequence, large numbers of law students seek out and participate in activities called 'internships', 'placements', 'clerkships' and 'work experience'. Some of these are organised or facilitated by their university, others are organised independently by the student. However, not all students have the capacity to access and complete work experience. For example, students from non-traditional backgrounds without industry contacts may have difficulty securing high-quality work experience placements, while others may be subject to discrimination which limits their capacity to secure or complete work experience. Requirements to undertake unpaid or low paid work experience also create obstacles for a diverse range of students, including those with caring responsibilities and existing financial commitments, which are difficult to surmount. A 2017 Universities Australia survey confirms that such obstacles are contributing to the inequitable participation of equity/disadvantaged students.

As Dalrymple et al state in their review of employability literature: "Opportunities designed with the best of intentions may in fact prove to be differentially available to students when considered in the wider nexus of background, self-concept, self-efficacy and human and other capitals." This panel presentation engages with this issue from a variety of perspectives. The panellists will discuss:

- How the structure of workplace experiences for students can comply with or violate labour law principles and educational regulations;
- Where the costs of expectations that students will undertake work experience lie, whether that is appropriate, and how the burden can be shifted;
- The obstacles that prevent equitable access to and participation in work experience by equity groups and others, and how these obstacles can be minimised;
- How practical and financial support can be provided to students engaging in work experience without the unintended creation of an employment contract; and
- Strategies to educate student participants about their workplace rights, including their rights not to be subject to sexual harassment, discrimination and bullying, and how students can be supported to seek assistance if they encounter inappropriate workplace behaviours while engaging in work experience.

At the conclusion of the panellist's presentations, there will be time for questions and answers, and discussion of the topics covered.

SESSION 5B – CLINICAL LEGAL EDUCATION: ADAPTING TO A CHANGING GLOBAL REALITY

Presented by Jeff Giddings, Hubert Algie, Ross Hyams, Sara Kowal, Jennifer Lindstrom and Jackie Weinberg

Experiential education, by its very nature, is well placed to adapt to and reflect changing external realities. Since the Monash Law Faculty developed Australia's first clinical legal education program in 1975, it has evolved in line with both client and student's needs. Monash Law now offers every student the opportunity to participate in the clinical program through its clinical guarantee. In 2021, more than 680 undergraduate and postgraduate law students developed their professional identity as ethical, reflective practitioners through engaging in client-focused work on cases and projects in collaboration with expert supervisors.

Since 2018, Monash has introduced a range of In-House Clinics to provide students with opportunities to work with supervisors and leading industry partners in specialist clinics across a range of innovative legal areas. As of 2022, we have 15 diverse clinics including international trade law, law reform, family dispute resolution, health-justice, legal technology, climate justice and human rights.

On any given day, students undertaking an In-House Clinical Placement may find themselves providing legal advice to an elderly person who needs assistance navigating a Victoria's fines' system; assisting a survivor of family violence navigate family law proceedings; drafting submissions to a coronial inquest regarding an indiginous death in custody or drafting a clemency application for a person on death row in a country in Asia. Whilst the breadth of opportunity is large, the underlying pedagogical principles remain focused on strong clinical supervision, students' awareness of social justice and engagement in ethical and reflective legal practice.

Our panel of clinical supervisors, including those supervising students in the more traditional live client clinics, the legal technology clinic, and climate justice and human rights advocacy clinics will address how our clinics have evolved to accommodate change, particularly in the Covid-19 reality of remote student learning and client service. Legal practice in 2022 has moved well beyond traditional law firm models; experiential education enables our students to contemplate numerous career pathways. We will discuss ways in which we have designed the curriculum to accommodate the diverse experiences of our students and clients and how we have modified and evolved our program in line with the changes taking place more globally.

SESSION 5C – CURRENT PERSPECTIVES IN LEGAL TEACHING 1 (chaired by Aidan Ricciardo)

Kate Offer, Marco Rizzi – Mooting In Torts: An Alternative Assessment In The Core Curriculum

One of the challenges of the modern Law school to find opportunities for skills development in a very full curriculum. Incorporating a mooting exercise into a unit gives students the opportunity to take part in experiential learning in which they can develop practical skills, such as teamwork, presentation and advocacy skills as well as developing an ability to 'think on one's feet'.

In the Juris Doctor degree at the University of Western Australia, the authors have incorporated a unique mooting exercise in the first year unit, Torts. Working in teams of two, students prepare submissions and oral argument for both the plaintiff and defendant in a given hypothetical situation. They are told on the day that which side they will argue and are also given the opportunity to make a short rebuttal or rejoinder, which they develop during the moot itself.

In addition to the development of important skills and an effective way of assessing content, the assessment itself has proven vastly more enjoyable for assessors and a relatively time efficient way of assessing a large cohort; a not insignificant feature, given the resource constraints of the modern university.

Katherine Owens – The Juris Doctor Degree: Reflections from Australia

The Juris Doctor is an internationally recognised graduate entry law degree that provides a pathway into the law profession for graduates from non-law degrees or those holding law degrees from overseas. In the United States, a juris doctor is the only degree that qualifies a graduate to practise law. Many Australian Law Schools also have long-established juris doctor programs, including the University of Sydney, University of Melbourne (who removed their LLB entirely), Australian National University, University of New South Wales, University of Technology Sydney, Monash University and the University of Western Australia. The degree is now recognised as providing candidates with rigorous and intellectually challenging legal training, and JD students are expected to come to the degree with well-developed information literacy skills, and personal and intellectual autonomy. To what extent, however, does the JD have a profile as a distinct professional degree in the legal market? The paper will evaluate strategic rationales for the degree at Australian Universities and whether they diverge in clear ways from the LLB, whether the academic aims for the JD changed over time, and the extent to which JD programs reflect recent and emerging developments in education and the legal profession.

Jessica Mant – Teaching Family Law in Neoliberal Times: Lessons from England and Wales

In this paper, I draw upon my experience of teaching family law in the UK, where teachers of family law are now faced with an urgent challenge: the encroachment of neoliberal governance into both the family justice system and the higher education context. Neoliberal ideas are far from new, but they are increasingly shaping dominant ideas about what family law is for and which families should be entitled to use it. At the same time, these narratives have also shaped the context of higher education in which we train future family lawyers. This combination means that it is all-the-more challenging for educators to adequately prepare students for a career in family law.

I argue that there is value in integrating an explicit awareness of politics into how we teach family law. This is a simple but important pedagogical task which has benefitted students in England and Wales. I will explore how this has helped students to think beyond simplistic depictions of disputing families, deepening their understanding of how family law might serve its users. Using this as an example, I aim to reflect on the potential utility of this approach for Australian law schools and other legal subjects.

SESSION 5D – CURRENT PERSPECTIVES IN LEGAL TEACHING 2 (chaired by Paul Burgess)

Shivani Singh (online) – Virtual or Reality? Where does the legal profession fit in?

A phenomenon never completely made foreign to the Fijian people, poverty and inequality is largely a fixed presence in the functioning Fijian society. For the researcher and enthusiast, there is the option to probe and hopefully identify problem areas and, possibly suggest feasible solutions.

Discussions of the Fijian initiative toward free education in this paper aims is to draw on particularities in Fiji's free education policy and note possible areas of concern especially in the area of State sponsored higher education studies and its possible impacts on the legal discipline.

The commencement of free education in Fiji was a massive leap toward an idealistic society. TELS (Tertiary Education Loan Scheme), for example, came as a relief to many aiding the search for qualifications- both from the employer and potential employee perspective. The system also promoted (and continues to promote) the idea of a knowledge-based society. Academically and economically, there are concerns with this system begging the question of whether free education has indeed bridged the gap in terms of poverty and inequality (and supplying legal expertise where necessary); or whether the arrow was purposefully released but went astray of the ten-pointer.

Rangika Palliyaarachchi – Teaching Interdisciplinary Law Subjects: Approaches, Challenges, And Way Forward

Interdisciplinary law subjects are an integral part of most degree programs. The approaches that have been taken towards teaching these subjects vary significantly based on a number of factors, including the discipline, level of study and nature of the skills intended to be developed, to name a few. When a given interdisciplinary law subject is expected to cater for students from multiple degree programs, this adds another dimension to the design of teaching and learning. In such a context, teaching and learning activities, materials, and assessments must be general enough to be understood by all while ensuring relevance to all programs. This paper aims to discuss the different approaches that have been developed to design and deliver introductory interdisciplinary business law subjects intended for students from multiple degree programs, together with the challenges experienced in existing approaches. It is argued that to maximise our potential as places of excellent learning, teaching and scholarship, attention must be directed to clear identification of the aim of inclusion of interdisciplinary law subjects in different programs, and an interdisciplinary approach must be adopted for teaching interdisciplinary subjects.

Trevor Daya-Winterbottom (online) – Revolution Aotearoa?

This paper will interrogate the forces of change at play in legal research and teaching from the perspective of an Aotearoa / New Zealand based university. Arguably, five revolutionary forces are at play with seismic effects.

The Black Lives Matter Movement has exposed the insidious effects of unconscious bias and institutional racism that disproportionately affect Māori and Pasifika students and the need to provide a welcoming environment that ensures the recruitment and success of all students.

The ongoing COVID-19 pandemic has forced teaching online utilizing asynchronous or synchronous modes of presenting Lectures and giving Tutorials with the liberating effect that students can study from anywhere, when they choose.

Promoting Excellence in Research (ERA/PBRF) has moved legal academic scholarship offshore with a focus on writing law journal articles and an increasing bias against writing textbooks that have traditionally coherently organised and synthesised the law and reimagined new area of law teaching.

The Me Too Movement against sexual abuse and sexual violence has changed the way that sensitive issues are address in Lectures and created a new duty of care for law clerk and work experience internships.

The Youthquake of climate change action has resulted in the need to mainstream climate change and sustainability (SDG) teaching across the law curriculum.

Alone any one of these changes would be significant but the combination and increasingly rapid pace of change arising from the catalytic effect of these movements will redefine legal education. The future has arrived.

SESSION 6A – QUEERING THE AUSTRALIAN LAW CURRICULUM

Presented by Paula Gerber, Tamsin Phillipa Paige, Claerwen O'Hara, Danish Sheikh

Historically, law schools have been places of white, male, heterosexual, cisgender privilege, and this has been reflected in the curriculum. In modern times, the student body is less male dominated, and feminist legal studies are commonplace within the curriculum. What is harder to find within Australian law schools are law subjects that reflect sexual and gender diversity, consider legal issues faced by lesbian, gay, bisexual, transgender, intersex and queer people or draw on insights from queer theory.

This panel will explore how the Australian law curriculum can be 'queered' from both a practical and a theoretical perspective. Building on the presenters' experiences designing and teaching law subjects at different Australian universities, the panel will provide practical guidance about how to incorporate issues relating to sexual orientation, gender identity and intersex status into the law school curriculum. The presenters will reflect on both the positives and challenges of their approaches.

In addition, the panel will consider how queer theory can inform curriculum design within the law school. As part of this, the presenters will discuss the ways in which principles such as diversity, intersectionality and interdisciplinarity can guide the selection of subject materials, as well as the importance of equipping students with critical tools to unpack the sexual and gendered assumptions embedded within the law.

The panel's analysis will provide insight into the queering of the curriculum that is already taking place within Australian law schools, as well as identify further work that needs to be done.

Part of the Panel discussion will build on the research published by two of the presenters: Paula Gerber & Claerwen O'Hara, 'Teaching Law Students about Sexual Orientation, Gender Identity and Intersex Status within Human Rights Law: Seven Principles for Curriculum Design and Pedagogy' (2019) 68(2) *Journal of Legal Education* 416.

SESSION 6B – CLIMATE, ENVIRONMENT AND DISASTER (chaired by Marco Rizzi)

Nathan Cooper – (Re)imagining and (re)teaching human rights in the Climate Crisis

The Climate Crisis represents a question of justice for billions of vulnerable human and non-human beings. Established juridical tools, particularly human rights law, along with their underpinning ethical assumptions, appear unequal to addressing this question. Indeed, in many ways, law remains complicit in the perpetuation of the very paradigm that created the climate crisis. Dominant discourse continues to locate the 'environment' (nature, or the non-human world) as an external utility for the benefit of some privileged humans, while individualism and instrumentality drain human rights of their transformative normativity.

The Climate Crisis presents humanity with a non-negotiable choice: "we will go onwards in a different mode of humanity, or not at all". As the quality and texture of human existence change, human rights can become the rights of reimagined humans, and conduits of transformation, rather than just rebalance.

Using the epistemic lens of the Anthropocene, and drawing on recent experience of teaching human rights and Earth jurisprudence to Gen Z students, this paper will imagine how 'ontologically-otherwise', ecologically-attuned human rights law can evolve to meet the revolutionary challenges of the Climate Crisis.

Toni Collins – The dispute resolution system used post-disaster should not become the disaster!

A key factor in the ability of a community to recover from disasters is an efficient and effective dispute resolution system. If this is lacking there will likely be delays in economic recovery, uncertainty around long term planning, and victims trapped in disputes that prevent them from being able to "move on" from the disaster, causing further trauma to those who are already suffering. Delayed dispute resolution has serious consequences for recovery from a disaster.

The framework for resolving insurance disputes in Aotearoa New Zealand prior to the Canterbury earthquake sequence of 2010/2011 was by way of standard dispute resolution processes. However, this framework came under enormous pressure in the aftermath of the earthquakes and it has become clear it has not worked in an efficient and effective way. A significant number of disputes were still ongoing eight years after the earthquakes which impacted on the recovery of Christchurch and more specifically the recovery of victims, for many of whom the disaster was not over.

This Paper examines the government's response to dispute resolution. In particular, it considers the effectiveness of the ad hoc specialist Tribunal established in 2019 to assist the courts with resolving outstanding earthquake insurance disputes. It contends that an efficient and effective dispute resolution system should enable victims of a disaster to resolve their disputes in a fair and timely manner and not become their disaster.

Katie O'Bryan – Future Directions in Australian Legal Education: Environmental Law, Earth Jurisprudence and Legal Rights for Nature – Not as Revolutionary as You Might Think!

In 2007 then Prime Minister Kevin Rudd described climate change as 'the greatest moral challenge of our generation.' Finding ways to meet this challenge has proven difficult. Environmental laws are not fit-for-purpose and require a rethink about how we view the environment.

This rethink has emerged as Earth Jurisprudence, described by the UN Secretary-General in 2019 as 'the fastest growing legal movement of the twenty-first century. The most significant consequence of acknowledging human interconnectedness and inextricability from the rest of the world has been casting the non-human world as a legal subject."' He then stated '[r]edefining legal education and legal theory have become central to the development of an Earth-centred approach, as reflected in the rapid growth of pedagogical curricula in colleges and universities worldwide.'

However, there is little evidence of this rapid growth in the Australian legal curriculum, suggesting it is still too revolutionary for many Australian law schools.

My paper will argue that the inclusion of Earth Jurisprudence and Legal Rights for Nature into the legal curriculum provides opportunities to for us to rethink the ways in which law is taught and that although seemingly revolutionary, it builds on past practices, furthers current pedagogical goals, and can therefore also be seen as evolutionary.

SESSION 6C – CONTEMPORARY CHALLENGES (chaired by Eu-Jin Teo)

Monique Cormier – AUKUS, Nuclear-Powered Submarines and the Impotence of International Law

In September 2021, the Australia-UK-US (AUKUS) trilateral security partnership was announced to much fanfare and its 'first major initiative' is to be a nuclear-powered submarine fleet for Australia. The notion that a non-nuclear weapon state like Australia will have nuclear powered vessels in its navy gives rise to a raft of legal and political issues relating to nuclear non-proliferation. By examining relevant international law relating to nuclear weapons and nuclear energy, this paper will explore the legal status of nuclear-powered submarines and critique the implications of AUKUS for nuclear non-proliferation. Based on preliminary research, there are significant gaps and other weaknesses in the nuclear non-proliferation legal regime that will allow Australia to acquire nuclear-powered submarines despite the considerable danger this poses for global security. The key critique of this research will be that the broad and overly permissive nature of much of the international law in this area is part of the problem when it comes to nuclear proliferation.

Robin Bowley – Preventing the maritime facilitation of terrorism: Post-9/11 perspectives on vessel interdiction powers

In the years since the 9/11 terrorist attacks, there have been heightened concerns about the potential for terrorists to utilise vessels to transport weaponry, terrorist operatives and/or to finance their activities.

This paper discusses the range of perspectives on the powers of states to prevent the utilisation of vessels to facilitate terrorist activities through interdicting vessels suspected of engaging in such activities.

It explains how the US-led Proliferation Security Initiative – a cooperative effort through which participant governments agree to prevent the illicit transfers of Weapons of Mass Destruction and related materials – has provoked debate about the legality of vessel interdictions under the UN Convention on the Law of the Sea (the LOSC).

From its analysis of this debate, the paper discusses alternative narrow and broad interpretations of the LOSC provisions that would apply to the interdiction of vessels suspected of supporting terrorist activities. It explains how these two views diverge on the question of the influence that post-9/11 counter-terrorism UN Security Council resolutions should be understood as having on the interpretation of the relevant LOSC provisions. It also discusses alternative narrow and broad views of states' self-defence rights under Article 51 of the Charter of the United Nations that could apply in the maritime interdiction context.

After discussing the national maritime security legislation for preventing the maritime facilitation of terrorist activities in the United Kingdom and in Australia, the paper concludes by outlining suggested guidelines for the unilateral interdiction of suspected terrorist support vessels in exceptional circumstances.

Stephen Graw – Vicarious Liability for the Wrongs of Volunteers

Vicarious liability is imposed on defendants, who are not personally at fault, for wrongs committed by others. To that extent it is a principle of strict liability and, consequently, has long been kept 'within clear limits'.

Traditionally, that meant that it only applied in employer/employee relationships where the wrong was committed 'in the course of the employee's employment'.

With the advent of the sexual abuse cases the courts were faced with claims that did not fit nicely into that traditional mold. Either the perpetrators were not employees or, if they were, the abuse did not occur 'in the course of employment'.

This meant that if the schools, churches and charities with the money (or the insurance) were to be held responsible, the traditional limits of vicarious liability had to be stretched. But how was that to be done without abandoning principle and imposing liability simply on some 'vague notion of justice' instead?

This paper examines one aspect of the dilemma which has yet to be fully, or satisfactorily, resolved – how to deal with the wrongs of 'volunteers' and other non-employees – and how the approaches to the question by the Australian and UK courts have differed.

Bede Harris – Should Australia's Judges Resign?

Should judges who are required to apply law that infringes human rights resign, rather than participate in an unjust legal system? This question is relevant to Australia because of the scope that the Constitution affords to Parliament to enact legislation that is contrary to internationally-accepted human rights norms. This is particularly the case in relation to liberty of the person which can be abrogated without judicial authorisation in a wide range of circumstances and which, in the case of immigration detention, can be indefinite. The question of whether judges should resign was the subject of academic debate during the apartheid era in South Africa. The particular focus of that debate was the moral responsibility of judges in the face of legislation authorising detention without trial and the psychological harm detention inflicted on detainees, a question which also confronts judges in contemporary Australia. As an alternative to resignation judges have open to them the option of refusing to apply such legislation by developing a common law bill of rights or by expanding the constitutional role of the judicial branch in accordance the new understanding of the rule of law emerging in the United Kingdom.

SESSION 6D – CURRICULUM AND CAREERS (chaired by Natalie Skead)

David Barker – Distant Voices - Toll Roads/Night Watchmen and Law Made Simple (Reflections on a varied selection of research and publishing topics)

This paper is an outcome of a successful symposium conducted by ALAA in December 2021, which caused the presenter to reflect on how his own experience of research and publishing might serve as a guide to others just embarking on their early legal academic legal careers. In the sharing of these experiences allowance must be made for the age barrier between the presenter and those towards whom this advice is aimed. However, the presenter's military experience is used to advantage 40 years later in a submission to a Parliamentary Standing Committee. Research into Local Bill Procedure is another example of how research can arise from the most unusual circumstances. Access to legal education illustrates how the selection of a writer of the foreword for a research monograph gave rise to welcome publicity. Entering legal publishing is also well covered with the importance of recognising advantages as they are offered. Hopefully the early career academic will be encouraged by the random research and publication opportunities experienced by the presenter to pursue similar opportunities as and when they might arise.

Brett Woods and Ruth Liston – Reflections from the Precariat: Impacts of insecure employment of sessional legal academics on wellbeing, teaching practices and student learning experiences

This paper will present reflections from sessional legal academics in Victoria – many of whom identify as "professional sessionals" – on the impacts of insecure employment on their personal wellbeing, their teaching practices and student learning experiences. It will identify the inequities embedded in the increasingly casualised legal Academy, highlighting power imbalances and chronic exploitative practices. While these issues are being litigated in the media and in our institutions, this paper seeks to go beyond the industrial issues to continue the build on the work of Cowley (2010, p. 34) and others, by demonstrating that the 'inherent costs' of the precarious employment of many legal academics include pedagogical implications for legal education and impacts on students' learning that are not sufficiently recognised or addressed by law schools. The research aims to promote open, honest dialogue to collaboratively promote sessional wellbeing as well as identify opportunities for sessional staff to maintain currency related to their teaching practice, contribute to knowledge production, and follow pathways to secure employment.

Craig Cameron – Blockchain Law: A decentralised curriculum for a decentralised technology

Blockchain Law, an amalgam of laws that apply to the blockchain ecosystem of products, providers, people, processes, and services, is well beyond a fringe fascination of the traditional lawyer "who likes tech", and has entered the lexicon of Australian legal practice. The increasing adoption of blockchain technologies, and the evolving regulatory framework, should be a signal to Australian law schools to consider the rollout of a Blockchain Law subject.

This paper reports on a Blockchain Law audit, which revealed that only 4 of 38 Australian law schools currently provide students with the opportunity to complete a specialised Blockchain Law subject. A turnkey Blockchain Law subject is proposed, being a product of industry-university collaboration (the 'Blockchain Law Education Community') and delivered across multiple universities, offering various reputation, strategic, operational, and financial benefits to stakeholders. The collaborative and cross-institutional design and delivery of the proposed subject represents a decentralised curriculum, and may enable more universities to offer students a Blockchain Law education. In fact, the concept of decentralisation may have broader application to the delivery of existing and future law elective subjects. Finally, a call is made to higher education and blockchain industry representatives to participate in a Blockchain Law Education Community.

Barry Yau (online) – "Seven Up": Challenges, external forces and opportunities in the diverse trajectories of a cohort of law graduates and lawyers since 2014

"LinkedIn will have the stupid linear like lawyer, associate, senior associate and it will say the time periods but I don't think you can look at it if you need the information," commented a lawyer participating in an Australian longitudinal study into law graduates and lawyers. The longitudinal research project, which explores the diverse lives and careers of the volunteer participants, commenced in 2014 through qualitative data collected through interviews and focus groups of law students and early career lawyers. Many of the participants returned for follow-up interviews in 2021 to reflect on the external forces, challenges and opportunities that have impacted and shaped their trajectories over the past seven years. The participants took the time to reflect on whether their 2014 ambitions and expectations about family and occupation were achieved, and what could motivate or hinder their future trajectories as professionals, parents or partners.

Following on from the presentation of my initial research findings at the 2014 Australasian Law Teachers Association conference at Bond University, this paper continues the longitudinal research that presents the preliminary findings and themes from the 2021 interviews.

CLOSING PANEL – IS LEGAL EDUCATION IN A STATE OF EVOLUTION OR REVOLUTION? (HYBRID)

Presented by David Barker, Kate Galloway, Michael Adams and Nick James

The Conference theme states that: *'Legal education and scholarship is in a state of evolution or revolution.' And then goes on to ask the question: 'How is legal education and scholarship being challenged by external forces and how are we internally challenging legal education and scholarship?'*

The Panel, composed of three experienced law academics, will consider the situation regarding legal education and whether it is in a state of evolution or revolution. If so, whether and what reforms might be needed to either protect the status quo or move it in a new direction to reflect the fresh challenges being made on legal educators to facilitate the acquisition of knowledge and transferable skills. The problems facing the future of legal education are reflected in that for the whole of tertiary education. To paraphrase a statement by David Lodge – Small World: 'Previously the primary activities of universities were confined to the physical confines of their campuses but now information is much more portable in the modern world than it used to be. So are people. Ergo, it's no longer necessary to hoard your information in one building, or keep your top scholars corralled in one campus…. Scholars don't have work in the same institution to interact, nowadays.' How has this new approach been embraced by the legal education community? How has it responded to these challenges, and does it need to seek out new approaches to ensure the successful future of the law academy and legal education, both in respect of law teaching and research? Legal educators must also face the added dilemma of the twin objectives of training individuals as legal practitioners and providing a liberal education during a period of rapid transition of the legal profession. It will be of interest to see how the Panel respond to these demanding and stimulating questions which are currently testing the ability of law academics to react in a positive way to ensure the future of legal education.