

**UNSW Law School**  
**Prize-Giving Ceremony**  
**21 March 2007, 6-8.30pm**

Welcome to all of you here to receive prizes and awards for outstanding achievements in your legal studies, and to those friends and loved ones here to celebrate with them.

When I arrived at the University of New South Wales Law School in 1979, I was immediately thrown into teaching two groups of the course Law, Lawyers and Society—presumably because, fresh off the plane after an American education and five years in the Pacific Islands, I knew little about Australian law, Australian lawyers or Australian society.

But I've always been eager to learn—and there's nothing like facing a classroom full of Type-A personalities every morning to provide the necessary incentives to learn quickly.

In any event, I set myself a very active program of meeting members of the practising profession in Sydney. And people were quite generous in giving me their time and introducing me to the intricacies of local lawyering, with the profession divided into—in order of hierarchy—judges, senior counsel, junior counsel, partners, solicitors, paralegals, clerical staff and ... academics.

And almost every judge and lawyer I met regaled me with exactly the same snippet of professional wisdom, which went like this:

- Sydney law school teaches law;
- UNSW law school teaches sociology, with a bit of law;  
and
- Macquarie law school teaches sociology (full stop).

And believe me, this was *not* intended as a compliment for UNSW, and certainly not for Macquarie.

[I was also told confidently, by many of the same people, that: (a) at that time there was no single law firm that spanned the Sydney-Melbourne geographical and cultural divide—and there *never* would be; and (b) the recent expansion to 12 law schools, including four (four!) in Sydney would flood the legal profession and spell its ruination. Lawyers, it seems, make poor clairvoyants.]

At the time, I thought that this syllogism (silly syllogism?) about legal education was odd, and misguided. And with the benefit of more than 25 years of hindsight, let me make a few observations about that earlier mindset.

First, these conversations occurred not too many decades after the fracas over the appointment of Julius Stone to a Chair in Law at Sydney. As some of you will know, if not remember, Julius' initial recruitment from England in the 1940s was rescinded by the Sydney University Senate—apparently on the basis that he unashamedly described himself as a leader in the new field of 'Sociological Jurisprudence'.

It seems that for some Senate members, being a sociologist was more or less the same thing as being a socialist. And for others, it was probably a great deal worse.

**Second**, it is intriguing to consider what 'teaching law' actually meant at Sydney Law School in the 1970s.

The Sydney method largely involved part-time members of staff (often persons of great intellectual achievement, such as Sir Anthony Mason and Bob Hope) delivering lectures to a large hall full of students, all of the participants somewhat weary after a day's work. There was almost no staff-student or student-

student interaction, little use of the Socratic method, and no training in high order legal professional skills or clinical skills.

If Jeremy Bentham had wandered into one of those classrooms he would have felt quite at home—perhaps the names of some of the appellate cases under analysis would have changed, but very little else. (And with rapid advances in genetic science and technology, we may soon be able to confirm my view through active experimentation.)

By way of contrast—and a very conscious contrast it was—the educational model pioneered in Australia by UNSW law school (and Monash in Melbourne) involved interactive teaching, engaging small groups of students directly in the process, rather than as passive transcribers of The Notes. In other words, the ethos then, as it is now, was: Take Students Seriously.

And although the facilities (if the demountables could even be describe as facilities) then were nowhere near as lavish as they are now in the Post-Huttite Era at UNSW, the teaching *did* occur in small, well-lit rooms—in which students were unable to hide.

In terms of content, the UNSW model also recognised that the *only* intellectually reputable way to teach law was to teach it in context, as part of a process—including perspectives drawn from other disciplines, from theory and from practice—and where possible, in a clinical setting.

The UNSW model quickly became accepted as the paradigm for a modern, progressive legal education, and was widely emulated by the other ‘second generation’ law schools, and by the succeeding waves of new schools. (There are now about 30, yet the legal profession has survived.)

It is not surprising, then, that UNSW law school has developed a thriving export industry in Law Deans; among many others, this has included:

- Prof Neil Rees at Newcastle;
- Prof Gary Davis at Flinders;
- Prof Jill McKeough at UTS;
- Prof Michael Coper at the ANU;
- Prof Ros (Atherton) Croucher at Macquarie (who very recently joined me as a colleague at the ALRC);
- Prof Brian Bromberger at Loyola University, New Orleans; and
- Prof Brian Brooks at Victoria University, Wellington.

And given the broad intellectual approach and openness required to teach successfully in the UNSW model, it is equally unsurprising that many current and former staff have gone on to serve with distinction as state or federal law reform commissioners.

**Third**, it seems to me that, in retrospect, for a bunch of people ‘teaching sociology with a little law’, the academic staff in question have gone on to achieve at least moderate success in their subsequent careers as practising professionals.

I have in mind, for example, such amateur sociologists as:

- Justice Ron Sackville (Federal Court);
- Justice Mark Weinberg (Federal Court);
- Justice Terry Buddin (NSW Supreme Court);
- Justice John Basten (NSW Supreme Court);
- Justice Margaret Stone (Federal Court);
- Justice Richard Chisholm (Family Court);
- Justice Ian Harrison (NSW Supreme Court);
- Judge Michael Chesterman (NSW District Court);
- NSW Solicitor-General Michael Sexton QC;

- Victorian Bar Councillor David Neal QC;
- Federal Magistrate Shenagh Barnes;
- NSW State Magistrate George Zdenkowski;
- NSW Law Reform Commissioner Prof Michael Tilbury;
- recently named Chair of the Victorian Law Reform Commission, Prof Neil Rees; and
- UNSW Chancellor David Gonski;

among many, many others.

And by no means do I wish to diminish the extraordinary contributions of those who have remained committed to UNSW and the legal academy, including

- Professor Garth Nettheim;
- Professor Dave Brown;
- Professor Mark Aronson;
- Professor Jill Hunter;
- Professor Paul Redmond;
- Professor David Dixon; and
- Dr Sandra Egger;

and I must apologise here to the many others who should be included among this group.

These are the strong traditions and foundations of which current staff and students can be proud—and this is the record of professional achievement that I am certain will be met, and I hope surpassed, by those exceptional people receiving awards tonight. My very warmest congratulations to you—and, of course, to your ever-supportive families and friends.

**Prof David Weisbrot AM**  
**21 March 2007**