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Editorial: Spring 2010

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Editorial

Another Spring is upon us, as is another issue of *The National Legal Eagle*. And like the flowers of Springtime that come in a variety of colours and sizes, the articles in this edition also seem to differ in many respects. Yet all the articles are connected in the web of the law, from making the decision to study it to those who have made their mark in practice, to how lawyers go about using it (by filing pleadings and presenting evidence) and how it applies in various situations, such as in sport and regulating the oil industry.

As with the bud of the flower, the idea to study law and the end result of practicing in the field will only grow to fruition with the right stimuli. In the Autumn edition of *The National Legal Eagle*, Leisha Browning's article focused on the question of studying law from the perspective of what the research says. In this edition, research assistant and recent law graduate R. Joel Coward in his article, *A Guide for the Perplexed: The Unorthodox View of Studying Law*, shares his personal opinion as to what influences prospective law students may face and how to navigate the law school jungle. Joel advocates that passion is a key ingredient to longevity and success in the practice of law.

Practicing lawyers are akin to gardeners in some respects and the law is their tool. This is illustrated in Assistant Professor Tina Hunter's article, *The BP Oil Spill and Australia ... Is There a Connection?* This article describes, arguably, one of the most devastating human catastrophes upon the environment, that of the Deepwater Horizon oil spill in the Gulf of Mexico. Many of us have seen the photos of the blackened birds and wondered how we can stop such continued carnage. And while law reform is not the only answer, this article explains how it can be part of the response.

The oil industry is, of course, not the only industry that sees the tools of law tending to its problems. An industry that some may think would be much less murky is that of sport. However, as outlined in the article *Drug Use in Sport: What's Changed*, the history of cheating in sport spans back to ancient times. This article traces the evolution of doping in sport, from anabolic steroids and amphetamines through to the possible emergence of gene doping. To level the playing field regulatory bodies, such as Anti-Doping authorities, have emerged with the ability to penalise those who test positive to prohibited substances. Such a penalty can include suspension from the relevant sport. But as Assistant Professor Annette Greenhow explains, the law may not only be used against the sportspeople, it may be engaged in their favour.

In *Pleadings: How a Case Gets to Trial*, Senior Teaching Fellow Victoria Baumfield provides a straight forward explanation of the procedures required to be followed in bringing a matter to a civil trial. Just as a gardener goes

through a process of tilling soil, planting seeds and watering before they see an end result, so too in law much of the work is done prior to the show of a trial (if a matter gets to trial at all). This behind the scenes aspect of the practice of law is a reality that needs to be faced by those considering a law career.

Of course it would not be a Spring issue without Associate Professor David Field's entertaining review of the Bond Law High School Mooting Competition. The article, *'Guilty of a Moment's Inattention, Your Honour'*, explains the nature of the moot problem faced by the students and provides a rundown of the season, culminating in the finals at Bond University on 24 July 2010. On this occasion the moot revolved around the criminal law's response to a supervising teacher's responsibility for injury sustained by a student (either inflicted by another student or by an offending rooftop). Congratulations to all participants in the competition and particularly to the eventual winners from Seymour College in South Australia. You have all done your schools proud yet again and hopefully some seeds have been sewn out of which future legal practitioners will grow.

Associate Professor David Field, in his second instalment in this issue, provides the next supplement for our *What is* series, discussing his specialty, in *What is Evidence Law?* The article explains that evidence is important in determining the facts in a litigious matter. The facts are at the root of all disputes. But there are certain rules surrounding whether evidence can be presented to a court. The article explains these rules of relevance and admissibility which form the basis of the Law of Evidence.

The most recent article in the *Who's Who in the Legal Zoo* series is a contribution by Professor Gerard Carney. Writing about Sir Gerard Brennan, a former Chief Justice of the High Court, is second nature to Professor Carney, who previously served as Sir Gerard's Associate at the High Court. Professor Carney explains that Sir Gerard has a 'life-long passion with the law' and his legal career in full bloom exemplifies where such a passion can lead you. While Gerard Brennan may have been destined to a legal career, following in the footsteps of his father, he has been instrumental in shaping the law of Australia and indeed in creating history through his judgments, particularly in *Mabo v Queensland (No 2)* (1992) 175 CLR 1.

After you have finished the riveting read of this version of *The National Legal Eagle* perhaps you should get out and let the Spring sunshine inspire your passion.

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Bond Law High School Mooting Competition

You will read about this competition in David Field's article (page 18). Next year we intend doing it all over again, and any school wishing to enter a team for the 2011 competition should contact Amanda Elms at aelms@bond.edu.au.