

ARTICLES

BOND LAW SCHOOL: REFLECTIONS ON THE FIRST TEN YEARS

*By Eric Colvin**

Early in 1989, I travelled from Canada to Australia to join the founding staff of the School of Law at a new, private university on the Gold Coast: Bond University. The Foundation Dean of the School was Professor Tony Tarr who had come to Bond from the University of Adelaide. The first few months were hectic, as the academic programs were planned and staff were hired. In May of 1989, the School welcomed its first students, 97 adventurous spirits who waded through the sea of mud engulfing a half-completed campus. The first class taught in the School was a postgraduate seminar which was held a few days before the beginning of the semester. The teacher was a visitor from New Zealand, Adjunct Professor John Farrar. Several years later, Professor Farrar joined the continuing staff of the School, serving as Dean 1993-95, and Acting Vice-Chancellor of the University 1995-96. The first lecture for the LLB students was given by Professor Jim Corkery in a subject then called 'Introduction to Law'. I gave the second lecture in 'Jurisprudence' which had been made a core element of the degree. It remained so, although it is now called 'Legal Reasoning'.

The opening of the School marked a dramatic change in the shape of Australian legal education. Bond was the 13th Australian law school to be established, and the first to be established after the 1987 Pearce Report on *Australian Law Schools* had criticised the teaching in many of the existing schools and called for a reorientation of the approach to legal education. Curiously, the Pearce Report had recommended against the establishment of new law schools despite a large unmet demand for places from people who wanted to study law. That recommendation was ignored by the Universities. Bond heralded a wave of new law schools which were established in the 1990s. Ten years after Bond opened, there were 28 Australian law schools. Bond is now one of the older ones – chronologically, although not in its approach to legal education.

Bond University School of Law was always intended to be different. To some extent, difference was inevitable. As Australia's first private university, it was crucial for Bond to ensure that its teaching was of high quality and that its programs provided springboards for successful careers. For the founding staff

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of the School, however, being private was an inspiration rather than a constraint. We shared a vision of a School which would grow and flourish because its focal concerns were the needs and aspirations of its students. Being private meant that everyone would be committed to that vision. Being private also meant that we could operate in innovative ways. We would look to models from commercial enterprise rather than public sector bureaucracies. There would be collective goals but individual responsibility for making a contribution; the authority-structure would be flat and the lines of reporting would be short; there would be sanctions for poor or mediocre performance but rewards for achievement.

The vision attracted a foundational staff from diverse backgrounds. Primary responsibility for launching the School rested with a group of mid-career academics who were drawn from other universities: Tony Tarr, Jim Corkery, Laurence Boulle, Di Everett and myself. There was also a more senior group who enhanced the School's external profile and provided wise counsel internally: Peg Lusink, Tom Cain and George Hinde. Enthusiastic junior staff came either from postgraduate studies or from practice: Julie Cassidy, Julie-Anne Kennedy, Kwai Lian Liew, Mal Shinn, William Van Caenegem.

From the beginning, the LLB program incorporated certain features which still make the Bond experience distinctively student-focused: weekly tutorials, with interactive small groups, in all the required subjects; student evaluation of all subjects, every semester, as an integral part of quality control; a curriculum in which the substantive offerings are geared primarily to preparing students for the legal profession; a program of training in the professional skills which lawyers need in order to make effective use of their legal knowledge and expertise.

Over the last 20 years, there has been much discussion about finding an appropriate balance between divergent academic and professional concerns in legal education. That divergence has never been accepted at Bond. We have taken the structure of good professional practice as setting a framework for law as an academic discipline. The practice of law is not, or at least should not be, a trade. It is a learned profession with theoretical and critical components. These theoretical and critical components become focal concerns in an academic context but their roots in professional practice should always be remembered. There may be other, also defensible, visions of law as an academic discipline. But that is the one which has shaped the curriculum at Bond.

Our commitment to preparing students for the legal profession has shaped the curriculum towards a focus on areas of law which students are likely to encounter when they enter practice, particularly areas of commercial law. I use

the term 'commercial law' in a broad sense to cover the varied types of law which are applicable to business transactions. Australian law schools have historically faced difficulties in competing with the major law firms to recruit and retain good commercial lawyers. Bond's financial independence meant that we were able to build a faculty of remarkable strength in fields such as corporate law, finance law and international trade law. That concentration of expertise has been manifest in the LLB elective program, and also in the postgraduate program and the pages of this Law Review.

Our professional commitment has also driven our program of training in the practical skills which a lawyer needs: skills in writing, information technology, client communication, negotiation, mediation and advocacy. Skills training is increasingly seen as an essential component of a good legal education. Bond has been a leader in the field from the beginning. Continual experimentation eventually led to the introduction in 1997 of an innovative full-scale program of skills training integrated with the teaching of substantive law subjects. Bond scholars have also been active contributors to the literature on the changing shape of legal education.

Mooting was always conceived as a key feature of the LLB curriculum, although it eventually became part of a more comprehensive program of training in advocacy. The success of that program was demonstrated when the Bond team won the 1999 Australian Round of the supreme competition for student advocates, the Jessup International Law Moot Court Competition. This was the first time that the Australian Round had been won by any team outside the 'big eight' universities, and also the first time that it had been won by any team from Queensland. The 1999 Bond team went on to reach the semi-finals of the International Round in Washington D.C. The success of the team was no flash-in-the-pan. The 1998 team had included the winner of the award for the best individual orallist in the Australian Round and also the runner-up for that award.

The School's achievements in mooting have been coupled with prominence as a centre for teaching and research in negotiation and mediation. The Dispute Resolution Centre has earned a national and international reputation for its research and training courses. The faculty members who are associated with the Centre have also contributed significantly to the development of the skills program in the LLB curriculum.

Coming from an academic background in North America, I was well used to mandatory course surveys. It was therefore no surprise that the School should survey student opinion of all subjects, every semester. What did and still does surprise me is the voluntary or spasmodic character of course evaluation

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surveys in many other Universities. The claims of students to be heard on the quality of their education are surely unanswerable. That does not mean, of course, that student opinion counts for everything. At Bond, as at other Universities, there have been lively debates over the weight to be attached to student opinion and the degree of risk that good teaching will be confused with a teacher's popularity with students. Nevertheless, the faculty culture at Bond has endorsed the obligation of every teacher to teach well, accepted that students generally learn more effectively when they enjoy their subjects, and recognised that most students are reasonable and responsible in their assessments.

We have never accepted at Bond that good research and scholarship is an excuse for poor teaching. Nor, however, have we accepted good teaching as an excuse for failures in research and scholarship. The job of a legal academic is to communicate ideas to the wider legal community as well as to educate students. In its short history, the School has forged a strong reputation as a centre for research and scholarship. This Law Review has made a major contribution to that reputation. The Review was launched in the first year of the School's operations. The tenth anniversary for the School was therefore also the tenth anniversary for the Review. The standard of the volumes has been consistently high. All of those involved in its production over the years are to be congratulated.