

INTRODUCTION TO THE SPECIAL ISSUE

125 YEARS OF LEGAL EDUCATION IN SOUTH AUSTRALIA

I BEGINNINGS: THE FIRST CENTURY

In April 1883 the University of Adelaide began teaching the first classes in its newly established Law School, making it one of the first universities in the world to pioneer the modern method of university legal education in the English tradition, and the first in the State and the second in Australia to offer a full law degree.¹ Using the Oxbridge tutorial model, the sole full-time faculty member and a handful of practitioner-instructors met with small groups of students in the rooms of university staff members.² In many ways, it was a bold, innovative decision to establish a law school at the University of Adelaide. There were few models to guide those who sought to make the teaching of law according to the English method a university discipline in South Australia. There remained many firm adherents to the traditional view that universities were not appropriate places for the study of the common law. Undeterred, as in some other parts of the then British Empire, members of the Adelaide legal profession and local educators joined together to bring legal studies into the University.

It would be 66 years before the Law School had more than one full-time faculty member at any one time, and 75 years before the number of students in the entire School would rise above 100. The early classes took place in the Mitchell Building, the first and only home of the Law School during its first 75 years. Yet by the late 1950's it became clear the Mitchell Building could no longer cope with the growing number of students and planned full-time faculty for the Law School. As

* Associate Dean of Law (Research) and Chair, Law 125 Committee, Adelaide Law School, The University of Adelaide. This Introduction draws upon Alex Castles, Andrew Ligertwood and Peter Kelly, *Law on North Terrace (1883–1983)* (1983), published on the centenary of the Adelaide Law School.

¹ When legal studies began in the Mitchell Building in April 1883 only one other Australian university boasted a fully-fledged law school: the University of Melbourne, where law teaching began in the 1850s, although its Faculty of Law was not established until 1873.

² On the Oxbridge tutorial model see Cyril Bailey, 'The Tutorial System' in *Handbook to the University of Oxford* (1953) 253. Written 70 years after the foundation of the Adelaide Law School, Bailey's account demonstrates how the Oxbridge model altered little since first used in the 17th century, and reached its 1953 form in the 19th century. As such it provides an insight into early legal education in South Australia.

the entire University expanded, then, so too did the Adelaide Law School — in late 1959 the school finally moved to small quarters in a new extension at the rear of the Barr Smith Library. This proved a short-lived stay, with the school moving again in 1964 to the Napier Building. And it soon became apparent that even this could not accommodate such unprecedented expansion; a new, separate building for the Law School would soon be necessary. So, in 1967, the Law School took up its current residence in the Ligertwood Building (not far from its original home in the Mitchell Building), named after one its most distinguished graduates, Sir George C Ligertwood,³ which housed a law library named in honour of perhaps its most distinguished professor, Sir John Salmond.⁴

Quite apart from its physical location, the nature of the legal education experienced within these walls also changed. Writing in 1953, Cyril Bailey, a Fellow of Balliol College, Oxford, explained the Oxbridge tutorial (the method of legal education initially used in the Law School in 1883) this way:

³ University of Adelaide, *Services and Resources Building Information* (2010) available at <<http://www.adelaide.edu.au/ps/services/records/BuildingSummaryList-Owned.xls>> on 25 August 2010.

Born on 15 October 1888, in Maylands, South Australia, Sir George was educated at Norwood Public School, the Pupil Teachers' School, and the University of Adelaide (BA, 1908; LLB, 1910). Admitted to the Bar on 15 December 1910, Sir George became the Acting-Master of the Supreme Court of South Australia in 1914. He enlisted in the Australian Imperial Force 6 May 1918, returning to South Australia in 1919 to become a partner in Baker, McEwin, Ligertwood & Millhouse. He served as the President of the Law Society of South Australia from 1935 to 1937, and again from 1941 to 1943, was a member of the Executive Committee of the Law Council of Australia in 1937 and in 1942–3, and was appointed Kings Counsel in 1930. Sir George served on the bench of the Supreme Court of South Australia from 1945 until his retirement in 1958 and served on three Commonwealth Royal Commissions. Knighted in 1956, Sir George served as Warden of the University Senate (1945–1959), member of the University Council (1942–1966), Deputy Chancellor (1958–1961), and Chancellor (1961–1966) of his *alma mater*: Howard Zelling, 'Ligertwood, Sir George Coutts (1888–1967)' in *Australian Dictionary of Biography* (2000) vol 15, 96, available at <<http://www.adb.online.anu.edu.au/biogs/A150121b.htm>> on 25 August 2010; University of Adelaide, *ibid*.

⁴ The Law Library, established with the founding of the Adelaide Law School in 1883, was renamed in 1969 in honour of the third Professor of Law, Sir John William Salmond, KC (1862–1924). Sir John wrote three major legal texts: *Jurisprudence or the Theory of the Law* (1902) (awarded the Swiney Gold Cup in 1914 by the Royal Society of the Arts), *The Law of Torts* (1907) (for which Harvard Law School awarded the 1911 James Barr Ames Prize for the best legal treatise published in the world over a period of five years), and *Principles of the Law of Contracts* (1927) (with PH Winfield). *Salmond on Jurisprudence* and *Salmond on Torts* are regarded as legal classics: Diane Langmore, 'Salmond, Sir John William (1862–1924)' in *Australian Dictionary of Biography* (1988) vol 11, 512, available at <<http://www.adb.online.anu.edu.au/biogs/A110522b.htm>> on 25 August 2010. See also Gwenda Fischer, 'The Law Library at the University of Adelaide, 1959–68 (1969) *Australian Library Journal* 213.

One or more members of the group [of students meeting with the tutor] will have written essays, which they will read; the tutor will invite the criticism of the others and make his own comments, usually summing up and suggesting the best method of dealing with the subject. The proceedings will be quite informal, and most tutors will encourage the pupils to ask questions and to discuss among themselves. A recent witty critic of Oxford, asked how the tutor conveys his instruction to his pupil, replied 'he smokes at him': the answer suggests both the intimacy of the 'tutorial' and the meditative character of the tutor's criticism.⁵

Few Adelaide Law graduates today would recognise a system of education as intimate or 'meditative' — not to mention one that occurred in anything but a smoke-free environment!⁶

More important than its physical location and the method and style of legal education was the emergence of the Law School as an international leader in legal education and research. In 1949 the full-time teaching complement consisted of one person, Professor Arthur Lang Campbell. By 1960 the Law School community remained a small and intimate one, with only eight full-time teachers. Yet at the beginning of its 125th anniversary, in the 2008 academic year, the Law School had over 1400 students, 40 members of full-time and adjunct faculty and many more practitioner-instructors. Former students are found in every field of endeavour — the academy, legal practice, the judiciary, government and business — throughout Australia and the world.

II THE 125TH ANNIVERSARY: A SECOND CENTURY

One wonders whether, during those formative years following 1883, either the faculty or their students could have envisaged what the Adelaide Law School would become. It is difficult, looking back, to imagine that the School and many others since would have found the measure of acceptance enjoyed today without the strength of purpose and dedication of its 19th century pioneers. The aspirations which the founders espoused for legal education in 1883 have since been emulated and developed locally and internationally.

In 2008, four buildings and thousands of distinguished graduates and hundreds of outstanding legal scholars later, the Adelaide Law School and its current faculty, students and alumni looked proudly to the past and confidently to the future. The whole of its 125th academic year was given over to a celebration of the accomplishments and achievements of those few who founded the Law School in 1883 and the many since, teachers and students, down to our own day, who established it as a leader in Australian legal education. Those early faculty

⁵ Bailey, above n 2, 256.

⁶ See University of Adelaide, 'Life Impact. Smoke-free air. Our University will be smoke free from 1 July [2010].' available at <<http://www.adelaide.edu.au/smoke-free/>> on 25 August 2010.

members and practitioners would no doubt be amazed to know that their modest efforts would ultimately produce an internationally respected law school.

To celebrate its achievements, a group of distinguished international speakers, each a leader in their own field — the academy, the judiciary, and the profession — joined the Law School community throughout 2008 to deliver public lectures. This Special Issue of the *Adelaide Law Review*, itself founded in 1960 and forming part of the proud tradition of excellence in the history of the Adelaide Law School, contains the articles originally delivered as public lectures by those distinguished scholars. The breadth of the topics covered stands not only as a testament to the vision of those who founded the Law School, but also as a hallmark of the international stature attained over the subsequent 125 years. What better way to demonstrate the strength of the foundations set at the end of the 19th century and to continue the traditions built upon them into the 21st?