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# SUPPORTING THE NEXT GENERATION OF INDIGENOUS LAW STUDENTS

by Gemma McKinnon

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## INTRODUCTION

Throughout the legal profession and law schools of Australia, people are exploring how to increase the number of Aboriginal and Torres Strait Islander members of the legal profession. I recently visited universities in Canada, the USA and New Zealand ('CANZUS') to learn about the programs available to their Indigenous law students.<sup>1</sup> Throughout the visit, it became clear that there are two streams of support required to increase the likelihood of the successful completion of a law degree for Indigenous students. The first stream is academic support, which ideally, should include a preparation program for Indigenous students that focuses on the skills required for success in law school. The second stream is cultural support. Specific cultural support requirements will differ between Indigenous groups; however at a minimum this should include the facilitation and support of the building and maintenance of the Indigenous student community. Creating a home away from home not only supports students culturally and reduces the likelihood of attrition due to being homesick, but also can create a culture of studious attitudes and normalize of the pursuit of academic success. The following is a brief exploration of the lessons learnt throughout my experiences abroad.

## ACADEMIC SUPPORT

Academic preparation programs range in length and intensity. They also feature at different stages throughout the early portion of matriculation. Pre-law programs are found in Australia, Canada and the USA. They generally consist of an intensive (often residential) course over a period of weeks. Throughout the program, students develop legal ways of thinking through a variety of tutorials and are assessed on their ability to survive and thrive in law school. In many circumstances, successful completion of these programs can gain a student admission into law school. In others, it is simply an opportunity for students to have a head-start over their non-Indigenous counterparts and a truer understanding that law is the discipline they want to pursue. A second and equally important element of the pre-law programs is the establishment of a community. In the case of the Canadian Program of Legal Studies for Native People ('PLSNP') and the USA Pre-Law Summer Institute

('PLSI'), the community established is nationwide. In other cases, the community may be based at a particular university.

**Creating a home away from home supports students culturally, reduces the likelihood of attrition due to being homesick, and creates a culture of studious attitudes and academic success.**

Whatever admissions program a university chooses should influence the kind of support they provide at the early stages of a law degree. There are a variety of admissions programs running in universities throughout the CANZUS countries. Some grant acceptance conditional upon the successful completion of a pre-law program, others apply an approach that reduces the difficulty of gaining entry into law school (either by reducing the academic average requirements or by other means, such as an interview process) and use the challenge of university to separate those who are 'capable' and those who are not. This 'weeding out' process can occur organically, or through a system put in place by the university through setting average mark quotas to be able to enrol in the next semester or simply reducing the number of enrolment places in the second year. Universities that use the latter approach might want to consider a pre-law program with a skills focus to ensure that students can perform at the high academic standard required, given they have little time to adapt to university assessments and lifestyle.

Academic support is the generally the area given the most focus when it comes to universities taking steps to ensure Indigenous graduation rates grow. There are a variety of models for academic support of students and generally, where alternative entry programs are available at the law school; academic support is provided intensively, particularly within the first year. Schools that

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do not have an alternative entry program for Indigenous students may not feel as strongly that they need to have academic programs available to their Indigenous students because the students need to meet a high academic standard to be accepted into the school initially. However, instead of operating under a policy that assumes that meeting the same academic standard required of non-Indigenous applicants should negate any need for additional academic support, perhaps these circumstances should be seized as an opportunity to promote academic excellence and highlight the opportunities available for postgraduate study.

**Having strong leaders in the Indigenous student community who are regularly participating in both academic and cultural support programs also helps to create a culture of studying.**

Although the broader university community often considers them remedial, academic support programs for Indigenous students can range from remedial to advanced, and support programs can not only assist those students struggling with content or assessment methods, but can provide stronger students with the tools to improve their assessment results. Tutorial styles that can accommodate the varied skill levels of a student group also promote a peer-tutoring environment, where advanced students can assist their classmates and gain experience in running tutorials. Participating in academic support programs can be extremely effective in helping students not only to complete their law degrees but to be academically competitive with their non-Indigenous counterparts. Another positive aspect to such programs is that it can further strengthen the community of students by creating a de facto study group. Having strong leaders in the Indigenous student community who are regularly participating in both academic and cultural support programs, also helps to create a culture of studying—where students voluntarily meet together to study and share ideas and learnings.

## **CULTURAL SUPPORT**

Many Indigenous students are first generation university students. The learning environment is completely foreign to many Indigenous students and this is often combined with feelings of homesickness, financial pressures and, for the young students who go straight from high school into law school, dealing with the responsibilities of adult life for the first time. Many students move from rural

communities to the city to go to university and often the culture shock can be all consuming at times. This is an experience shared by students throughout the CANZUS countries. A conversation with a group of students from Canada found that students rely heavily on the support of their classmates to understand the difficulties they face and to help guide them through the process. The drive to continue arises out of the fact that most of the time, the pressure on the individual to help their community with the skills they gain from their law degree outweighs the pressure to remain in the community in the short term.

The law schools visited provided a range of different means of support for their student groups in terms of fostering a community dynamic. Many schools provide their Indigenous law student society with their own office or a space where students meet, eat lunch, study and socialise. Having such a space is important to students and most commented that the space acted like a 'safe haven' from the rest of the school. Another method used by law schools is hosting a law camp early in the first year. This gives students an opportunity to get to know each other, build friendships and create a more familiar atmosphere during classes. Although historically Indigenous students have drawn most of their cultural support from their fellow classmates, law schools are increasingly taking steps to provide such pastoral care more formally. Almost all of the schools I visited had a staff member dedicated to the academic and cultural support of the school's Indigenous students. Commonly, this staff member was a recent graduate of the school (often undertaking post-graduate study) and was provided with their own private office. Having a dedicated member of staff not only makes the law faculty less intimidating, but provides a staff member who understands the pressures associated with studying law. Student support officers often stated that they would talk to students about anything and encouraged students to 'drop in' to the office at any time. Apart from the cultural support role, these staff members often also coordinated study groups, organised extra tutorial sessions for students, dealt with enrolment and other administrative issues and held a place on staff committees (including admissions), providing an Indigenous perspective to the law school decision making process.

Having a support structure within the law school specifically, as opposed to having a university wide program that is accessible by law students is important. Doing so acknowledges the unique environment that law school creates; it also accommodates a heavy class load by providing supportive staff in the same building. Having a faculty specific staff member also allows the person to act as a one-stop-shop where students can speak to one person and be provided with assistance on administrative, academic and cultural issues. Having an approachable staff member can also reduce the

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'shame' factor associated with asking for help or admitting struggle, and reduce the likelihood that a student might choose to drop-out rather than to seek help.

## INDIGENOUS TEACHERS

Across all schools visited, students remarked that they enjoyed learning and attending class more when their teacher is Indigenous. Generally, enthusiasm for a course was higher when the faculty member teaching the course was Indigenous. This was true even when the faculty member themselves felt that the course itself and assessment methods used were extraordinarily difficult. It also appeared that schools with more Indigenous faculty members were generally more supportive of Indigenous programs at the school (although this can lead to a 'chicken or egg' discussion).

The sense of school pride and enthusiasm for learning that comes with an increase in Indigenous academics working at the school may very well be created from student and staff alike believing that the school itself cares about Indigenous issues; is supportive of its Indigenous students and staff; and is genuine in its commitment to foster change in the legal system through education. Schools that provided a range of 'Indigenous law' subjects had strong numbers of Indigenous students. The University of Arizona in Tucson is the only law school offering all three law degrees (Juris Doctor, Master

of Laws and Doctor of Juridical Science) with a concentration in Indian and Indigenous people's law. Their students come from all over the world and their Indigenous alumni and staff are respected globally.

## CONCLUSION

The challenge of being a minority in the legal sector continues to present difficulties for Indigenous lawyers across the CANZUS countries. Building a strong network of Indigenous people in the legal sector creates continued support and strengthens the presence of Indigenous people working in law. Support programs in law schools can be the basis for establishing these networks from an early stage. With continued support and enthusiasm, it's hoped that these networks will continue as graduates progress through the profession. Larger and more united numbers of Aboriginal and Torres Strait Islander legal professionals in the Australian sector can then have flow-on effects to the wider legal community.

*Gemma McKinnon is descended from the Barkindji people of far western New South Wales. She is a law graduate from UNSW and a recent recipient of a Churchill Fellowship.*

1 For access to my full report, visit <[www.churchilltrust.com.au/fellows/detail/3736/Gemma+McKinnon](http://www.churchilltrust.com.au/fellows/detail/3736/Gemma+McKinnon)>.

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**Gawaa (river print)**  
**Pink Earth colourway**  
*Lucy Simpson*  
Digital print on silk

